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JUN 06 2002

MARY E. D'ANDREA, CLERK  
Per                       
Deputy Clerk

# ORIGINAL

[illegible]

Judge Rambo ✓

## **DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS**



Q Was it -- Was this seminar after you already had your license?

A Yes.

Q So you were already working under Metro at this point?

A Yeah. I believe I was. Yeah, that's correct.

Q Okay. What was your role in the seminar?

A My role? I had no role in the seminar.

Q You were just attending?

A That's correct.

Q Is this just a one-day seminar?

A Yes.

Q How did you travel to and from Philadelphia to attend that seminar?

A I drove.

Q What did you drive?

A A van.

Q Was that your van?

A No.

Q Okay. Whose van was it?

A I rented it.

Q Okay. From whom?

A Apple Chevrolet.

Q Were you the person who made the rental reservation?

A No.

Q Who did?

A Jesse Pohlig.

Q Who was Jesse Pohlig?

A He was considered a regional manager.

Q For whom?

A Metro.

Q Okay. Why did Jesse rent the van?

A So we could have a way to go to Philly. He asked me to rent it. I didn't have a credit card at the time so he used his.

Q How did you become acquainted with Mr. Pohlig?

A Through Metro.

Q How long had you known him?

A Probably a year or so.

Q Did Mr. Pohlig also live here in York?

A No.

Q Do you know where he lived?

A He lived in New Jersey.

Q Okay. What was Mr. Pohlig's role in this seminar?

A Attending.

Q Okay. Was he in the van with you?

A No.

Q Okay. Who drove the van?

A Me.

Q Both ways?

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Q Okay. Was he in the van with you?

A No.

Q Okay. Who drove the van?

A Me.

Q Both ways?



e. When good faith requires the Plaintiff qualify an Answer or denial, only a part of the matter to which an admission is requested, the Plaintiff shall specify so much of the requested admission as is true, and qualify or deny the remainder.

f. Plaintiff may not give lack of knowledge or information as a reason for failure to admit or deny, unless Plaintiff states that reasonable inquiry has been made and that the information known or readily obtainable to the Plaintiff is insufficient to enable the Plaintiff to admit or deny.

g. Plaintiff may not object to a requested admission on the grounds that the request presents a genuine issue for trial.

#### **REQUESTED ADMISSIONS**

1. Admit that Exhibit "A" attached to this Request is a true and correct copy of the two-page rental agreement; Deny. No exhibit was so attached.

2. Admit that the credit card provided to Defendant Apple upon which to place charges for the rental van belonged to the co-driver, Jesse Pohlig; Admit.

3. Admit that the co-driver, Jesse Pohlig, agreed to return the van on or before 4:00 p.m. on November 14, 1998; Deny Jesse Pohlig was a driver. Lack of knowledge of Mr. Pohligns. agreement, since the contract is not readily obtainable.

4. Admit that, upon pick-up of the van on November 13, 1998, Defendant again reminded Plaintiff of the 4:00 p.m. return time; Admit clerk asked Plaintiff to try to have vehicle back by 4pm, but no later than 5pm.

5. Admit that the van was returned at approximately 5:30 p.m. on November 14, 1998; Deny. Van was returned between 10-15 minutes after 5pm.

6. Admit that Plaintiff was yelling, screaming, gesticulating, and shouting obscenities and vulgarities at one or more of Defendant's employees upon Plaintiff's return of the van on November 14, 1998; Deny.

7. Admit that Plaintiff told Defendant's employee that she was treating white customers better and that the employee denied same; Deny.

8. Admit that Plaintiff blocked Defendant's employee's vehicle in the parking lot such that she was unable to leave; Deny.

9. Admit that Defendant summoned the police because Plaintiff would not leave Defendant's premises when Plaintiff was asked to do so; Deny.

10. Admit that, at the District Justice hearing, Plaintiff admitted that Defendant's employee did not make the comments Plaintiff alleged in his York City Human Relations Commission Complaint that she made; Deny.

11. Admit that a customer was waiting for the van when Plaintiff returned it on November 14, 1998; Admit.


12. Admit that when Plaintiff initially called Defendant Plaintiff said Plaintiff was 20 minutes away; Admit, but Plaintiff further said that he was stuck in traffic, which thereby extended his travel time.



13. Admit that Plaintiff had an attorney prepare the Complaint for Plaintiff in this case; and  
Objection. Relevance.
14. Admit that Plaintiff suffered no damages from the incident alleged in Plaintiff's Complaint.  
Deny.

Respectfully submitted,

**CGA Law Firm**  
Countess Gilbert Andrews P.C.

By:   
Sara A. Austin, Esquire  
I.D. No. 59052  
29 North Duke Street  
York, PA 17401  
(717) 848-4900

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incident happened.

Q Okay. You mentioned Mark Green was also in the van that day?

A That's correct.

Q Okay. And what was Mark Green there for?

A He was going for information like I was.

Q Okay. Do you recall what his occupation was?

A He's a CBS news reporter.

Q Was he associated with Metro?

A He was taking classes at that time.

Q Had you known him prior to that day?

A Yes.

Q How long did you know him?

A Since high school.

Q Was he in your class then?

A No.

Q Had you kept in touch with him since high school?

A Yeah.

Q Okay. Would you say you had a social relationship, business relationship, both?

A Well, we had a social relationship, then business relationship as far as the Metro thing, other than that --

Q Okay. And where was Mr. Green sitting in the van on the way to and from Philadelphia?

A I don't know exactly. He was in the back. I know that for sure.

Q So he was somewhere behind you with Mr. Weathers.?

A I don't know where he was.

Q Okay. What is his race?

A Black, African American.

Q Okay. And there was also a Dave someone in the vehicle, right?

A Yeah.

Q What was he there for that day?

A He came with Jim -- well, Dimitrios.

Q Okay.

A And I don't know -- I don't even know his last name. I don't know -- I never seen him no more.

Q Had you met him prior to that day?

A Yeah.

Q Do you know what his occupation was at the time?

A Not -- not right offhand, no.

Q And you said you've had no contact with Dave since that day?

A No.

Q And what is Dave's race?

A He's white.

Q Okay. Where did you pick up the van?

A Apple Chevrolet.  
Q What day?  
A The 13th, I guess, the day before Saturday.  
Q Friday, November 13th?  
A Yeah, I picked it up Friday.  
Q What time?  
A It was in the afternoon.  
Q Do you recall when?  
A Yeah, it was about noon.  
Q Did Mr. Pohlig go with you?  
A No.  
Q Okay. Who else was present when you picked up the van?  
A Present? Nobody was present. Somebody took me to go get the van, but they weren't in the building. I was on my lunch break, actually.  
Q Okay. I assume there were one or more Apple employees there when you picked it up?  
A In the building?  
Q There when you picked up the van.  
A There was employees in the building if that's what you mean.  
Q How did you get the van? Was it just there and you got into it and drove away? What did you do to get this van?  
A I signed a paper for it.  
Q Okay. How did you get the papers?  
A From the lady that was there.  
Q Okay. So there was someone behind the counter?  
A Yes.  
Q Okay. Do you recall what this person looked like?  
A She was a white lady.  
Q Do you recall her hair color?  
A Light brown, brown. I don't know.  
Q Okay. Now, are you guessing, or you're sure of that?  
A I don't know, you know, different colors of hair. It looks brown to me.  
Q Okay. Do you recall her name?  
A No.  
Q Okay. Did you have any type of discussions with her when you got there about what time the van was to be returned and on what day?  
A Yeah. Yes, I did.  
Q Okay. Tell me about that conversation.  
A Well, she told me, have the van back at four o'clock. Then I said, well, I'm going to Philadelphia. I'll do my best. I said, you know traffic can be hectic. I don't know what to predict what the traffic is going to be

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1 14th of '98?

2 A Yes.

3 Q Maybe I need to clarify. When is the first  
4 time John Schriver came to Apple Chevrolet to rent a van  
5 for November 14th of '98?

6 A He called to make a reservation.

7 Q When did he call to make a reservation?

8 A I don't remember.

9 Q So you don't remember if it was a day before  
10 or two days before or a week before?

11 A I don't remember.

12 Q So you don't remember if it was November 14th?

13 A The 14th?

14 Q Yes. That was actually the day of this  
15 allegation.

16 A He made the reservation in advance of that  
17 date.

18 Q Okay. And did he speak with you personally?

19 A Yes.

20 Q And how did he reserve the vehicle?

21 A Verbally with a credit card.

22 Q Can you describe your duties?

23 A I run the rental department. I am the only  
24 person in the rental department. I handle all customers,  
25 all phone calls, all paperwork, all maintenance and

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1 out again for Mr. Schriver.

2 Q Do you always make such contacts to explain  
3 when a van is due or when a van is going out?

4 A If it's a situation that the van is coming  
5 back and going out on the same day, yes, because I am  
6 working with some part-time people, so just so they know  
7 what to do.

8 Q How often does that happen?

9 A Once in a while.

10 Q What is that? Once a month? Once a year?

11 A It depends. Sometimes once a month.

12 Q Have you ever during any of those times run  
13 into a situation where a customer may not have been back  
14 exactly on time for the other customer to get the van?

15 A No.

16 Q So in renting any vehicle, there never was a  
17 situation where the vehicle was being brought in and  
18 going out at the same day and time frame where a customer  
19 was late bringing the van back?

20 A No.

21 Q Or a vehicle back?

22 A No.

23 Q And what is it that you communicated to Mr.  
24 Hanes in reference to the return of the vehicle?

25 A That it had to be back by 4 o'clock. There

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A Present? Nobody was present. Somebody took me to go get the van, but they weren't in the building. I was on my lunch break, actually.

Q Okay. I assume there were one or more Apple employees there when you picked it up?

A In the building?

Q There when you picked up the van.

A There was employees in the building if that's what you mean.

Q How did you get the van? Was it just there and you got into it and drove away? What did you do to get this van?

A I signed a paper for it.

Q Okay. How did you get the papers?

A From the lady that was there.

Q Okay. So there was someone behind the counter?

A Yes.

Q Okay. Do you recall what this person looked like?

A She was a white lady.

Q Do you recall her hair color?

A Light brown, brown. I don't know.

Q Okay. Now, are you guessing, or you're sure of that?

A I don't know, you know, different colors of hair. It looks brown to me.

Q Okay. Do you recall her name?

A No.

Q Okay. Did you have any type of discussions with her when you got there about what time the van was to be returned and on what day?

A Yeah. Yes, I did.

Q Okay. Tell me about that conversation.

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24 Hanes in reference to the return of the vehicle?

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1 was another customer that had a prior reservation that  
2 was picking the van up at 4:00.

3 Q Did you say anything to the effect that as  
4 close to 4:00 as possible, but no later than 5 o'clock?

5 A No.

6 Q And didn't he in fact explain to you that he  
7 was going to Philadelphia and there may be some traffic  
8 problems?

9 A He said he was going to Philly.

10 Q Didn't he in fact explain to you that in  
11 Philadelphia sometimes there is traffic problems?

12 A No.

13 Q Did he mention any potential difficulties with  
14 traffic or anything like that at all?

15 A I don't remember.

16 Q Okay. Now, I do have to instruct you because  
17 I saw you look to Sara Austin. Again, you are under oath  
18 to try to testify truthfully and also to answer from your  
19 own knowledge, not to look to anybody else.

20 ATTY. AUSTIN: I would like --

21 BY ATTY. THOMPSON:

22 Q Was there any indication as to him discussing  
23 the potential for being late?

24 A No.

25 ATTY. AUSTIN: I would like to note on the

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like.

Q Now, this was four p.m. the next day, Saturday, November 14th; correct?

A That's correct.

Q Okay. And after this discussion you signed the rental agreement?

A That's correct.

Q Okay. Did you have any questions about the rental agreement before you signed it?

A Not that I really recall. I can't recall. We just talked general.

Q If you had any questions at that time, would you have asked them?

A I guess, if I'd had them.

Q Okay. I'm showing you a two-page, double-sided document. Do you recall seeing that document? I understand there may be some highlights on it also. If you want to take a moment to look at that document and tell me if you recognize it.

A (Witness reviews document).

Q Have you seen that document before?

A Yeah. It has my signature on it, yeah.

Q Your signature is on both pages?

A Yeah.

MS. AUSTIN: Okay. Just for the record, I'm going to ask your counsel to look at the copies I've made of this document so that we don't have to introduce the original as an exhibit. I'd rather introduce this copy. I did have to put this on legal size to fit it.

MR. CARDENAS: The only concern I have is, was all this highlight something that was made -- that was there when he signed it, or is this just after the fact? Is that highlight from --

THE WITNESS: That was after. I know that was after.

MR. CARDENAS: All the highlights and I mean, specifically, even, like, the yellow highlights, because then I would think that it would be important -- that it would be important to have -- if you want to introduce a copy, then a colored copy. Because then that would be -- I think that may be significant.

MS. AUSTIN: Okay. And we may be able to resolve this.

BY MS. AUSTIN:

Q Mr. Hanes, do you recall if any of the pink or yellow highlights were on there when you signed it?

A I'm pretty sure it wasn't highlighted like that.

MS. AUSTIN: Okay. Then we will be happy to stipulate that none of the highlights

## APPLE CHEVROLET

1200 Loucks Road 17) 848-1300  
YORK, PA 17404

CAR RENTAL CONTRACT

Stock No.

95715T

18370

NO CARS WILL BE CHECKED IN AFTER 8:30 P.M.

LESSEE (PRINT) APPLE CHEVROLET/GEO  
1202 LOUCKS RD.  
P.O. BOX 7326  
YORK, PA 17404

CITY STATE ZIP  
- 843-9853 -

FIRM NAME PHONE  
JEFF HAYNES (751-1374)

DRIVER: 516 W. KING ST. (751-1374)

HOME ADDRESS: YORK PA 17404

CITY STATE ZIP  
21255 216 PA 17404

DRIVER'S LICENSE NO. STATE DATE EXPIRES  
21255 216 PA 1-30-99

By: X Lessee By: X Lessee

THE OPERATION OF THE VEHICLE BY ANY DRIVER UNDER 21 YEARS OF AGE IS PROHIBITED.

	OUT	IN - SUBJECT TO CHARGE
BODY		
INTERIOR		
RADIO		
HEATER-A/C		
GLASS		
TIRES		
GRILL		
GAS	FULL	FULL
PLEASE REPLACE GAS USED - THANK YOU		
No Smoking!		
DEPT.		AUTH #
RO #		PO #

CUSTOMER SIGNATURE: Jeff Haynes

MAKE 95 CHEVROLET  
MODEL 15 MISS (TEAL) VIN. NO. 082289  
LICENSE NO. BNX 9772 AM BY H  
DATE AND TIME OUT 11-13-98 DATE AND TIME DUE IN 11-14-98  
DATE AND TIME RETURNED

RATE PER DAY 59.00 DAYS 1 \$ 59.00

DAILY RATES BASED ON 24 HOURS FROM DEPARTURE OR ANY PART THEREOF

ODOMETER READING: IN 82080  
ODOMETER READING: OUT 21855  
RATE 20¢ PER MILE 22.5  
SPLIT 75 FREE/DAY 112.5  
TOTAL MILEAGE 112.5 \$ 24.50

DAY RATE PLUS MILEAGE \$ 81.50

SALES TAX: 8% \$ 6.52

GAS CHARGES \$12.14 TANK \$

INSURANCE \$10/DAY WAIVER \$ 10.00

\$2/DAY STATE RENTAL TAX 2.00

TOTAL CHARGES \$ 100.02

DEPOSIT \$

TOTAL CHARGES LESS DEPOSIT \$

REFUND \$

ACCOUNT TITLE	ACCT. NO.	AMOUNT
BASIC INCOME RENTAL CARS		
MILEAGE INCOME RENTAL CARS		
CUSTOMER PURCHASED GAS		
OTHER CUSTOMER CREDITS		
TAX		
SOURCE 300 CHARGE SALES		
SOURCE 300 CASH SALES		

LESSEE AGREES TO RENT THE ABOVE CAR SUBJECT TO THE TERMS AND CONDITIONS STATED ABOVE AND ON REVERSE SIDE.

IMPORTANT - READ BEFORE SIGNING  
In consideration of the mutual promises and covenants herein contained, the undersigned customer rents from the owner the automobile described above, and the customer agrees, by his signature hereon, to rent the automobile subject to the terms and conditions on the reverse side hereof, which the customer acknowledges to have read and which provisions, by reference hereto, are incorporated into this agreement.

REPAIR ORDER NO.

SERVICE ADVISOR

RENTER'S SIGNATURE X

ADAMS II (717) 697-6727

CLEAN UP CHARGE OF \$75.00 TO BE ADDED IF VEHICLE NOT RETURNED CLEAN

## RENTAL AGREEMENT

000575

In this Agreement, the words "you" and "your" refer to the customer signing this Agreement. The "Lessor" refers to the corporation or person providing the vehicle. This Agreement covers your rental of the vehicle(s) described below. When you sign this Agreement, you agree to all the conditions on both sides of this Agreement. This Agreement will not exceed two (2) months.

CUSTOMER: FIRST INITIAL LAST <b>JEFF HAYNES</b>		OTHER DRIVER(S) 1. NAME <b>JESSE POHLIG</b>																																																																											
LOCAL ADDRESS: NO. STREET CITY/TOWN STATE ZIP <b>516 W. KING ST YORK</b>		ADDRESS <b>759 ADAMS AVE MAYS LAND</b>																																																																											
TEL. # <input type="checkbox"/> RENT <input type="checkbox"/> OWN HOW LONG		DATE OF BIRTH LICENSE NO. STATE EXPIRES <b>10-31-46 P6664006710462 4-30-00</b>																																																																											
PERMANENT ADDRESS: NO. STREET CITY/TOWN STATE ZIP		2. NAME																																																																											
TEL. # <input type="checkbox"/> RENT <input type="checkbox"/> OWN HOW LONG		ADDRESS																																																																											
SOCIAL SECURITY NO.		DATE OF BIRTH LICENSE NO. STATE EXPIRES																																																																											
DRIVERS LICENSE NO. STATE <b>21 255 216 PA</b>		VEHICLE: <b>98 CIVIL 152003 980715</b>																																																																											
DATE ISSUED EXPIRES DATE OF BIRTH <b>6-30-97 6, 4, 67</b>		YEAR MAKE MODEL COLOR STOCK NUMBER <b>08287 1112</b>																																																																											
EMPLOYER NAME HOW LONG <b>METRO</b>		VIN LICENSE PLATE NO.																																																																											
ADDRESS TELEPHONE NO.		EXTERIOR: OUT BODY FENDERS TIRES # IN OUT WHEELCOVERS LIGHTS IN																																																																											
CREDIT REFERENCE: MAJOR CREDIT CARD NUMBER EXPIRES NAME <b>446 9107 9033 09/69 x5/0</b>		INTERIOR: OUT UPHOLSTERY RADIO MATS IN OUT ACCESSORIES																																																																											
<b>PHYSICAL DAMAGE INSURANCE DEDUCTIBLES</b> You will be responsible for insurance deductibles if you do not purchase a Collision Damage Waiver (CDW). These deductibles are: Collision \$ <b>500</b> Comprehensive \$ <b>500</b>		ODOMETER: OUT <b>21855</b> FUEL: <input checked="" type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> N <input type="checkbox"/> O <input type="checkbox"/> P <input type="checkbox"/> Q <input type="checkbox"/> R <input type="checkbox"/> S <input type="checkbox"/> T <input type="checkbox"/> U <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> X <input type="checkbox"/> Y <input type="checkbox"/> Z IN FUEL: <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> N <input type="checkbox"/> O <input type="checkbox"/> P <input type="checkbox"/> Q <input type="checkbox"/> R <input type="checkbox"/> S <input type="checkbox"/> T <input type="checkbox"/> U <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> X <input type="checkbox"/> Y <input type="checkbox"/> Z																																																																											
<b>NOTICE: PURCHASE OF THE COLLISION DAMAGE WAIVER IS NOT REQUIRED. AUTO INSURANCE YOU HAVE IN EFFECT MAY COVER THE SAME LOSSES AS THE COLLISION DAMAGE WAIVER. BY SIGNING THIS RENTAL AGREEMENT, YOU MAY BECOME RESPONSIBLE FOR ANY DAMAGE TO THE VEHICLE EVEN IF YOU ARE NOT AT FAULT.</b> I have read and understand the above notice and I <input checked="" type="checkbox"/> do <input type="checkbox"/> do not desire to purchase a CDW.		MILEAGE DRIVEN: <b>100.0</b> <b>VEHICLE</b> DATE AND TIME OUT <b>11-13-98</b> DATE AND TIME IN TOTAL RENTAL TIME DATE DUE—EXPIRATION OF CONTRACT <b>11-14-98</b>																																																																											
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<b>UNDER NO CIRCUMSTANCES SHALL ANYONE UNDER 21 YEARS OF AGE OPERATE THIS VEHICLE.</b> YOU ARE LIABLE FOR ALL PARKING AND DRIVING VIOLATIONS AND MUST TURN IN ALL PARKING SUMMONSES WITH PAYMENT UPON "CHECK-IN". ALL DRIVERS MUST POSSESS A VALID OPERATOR'S LICENSE. The rental of the vehicle to any person under 25 years of age is strictly prohibited, unless specifically authorized by the Lessor. By your signature, you warrant that the information on vehicle use and other drivers is accurate and complete. Further, you represent that you have read, understand and agree with the terms and conditions stated on this Agreement.		CUSTOMER SIGNATURE DATE <b>JEFF HAYNES 11-13-98</b>																																																																											
LESSOR HAS AUTHORIZED CUSTOMER AGE 21 THROUGH 24? <input type="checkbox"/> YES <input type="checkbox"/> NO		LESSOR SIGNATURE																																																																											



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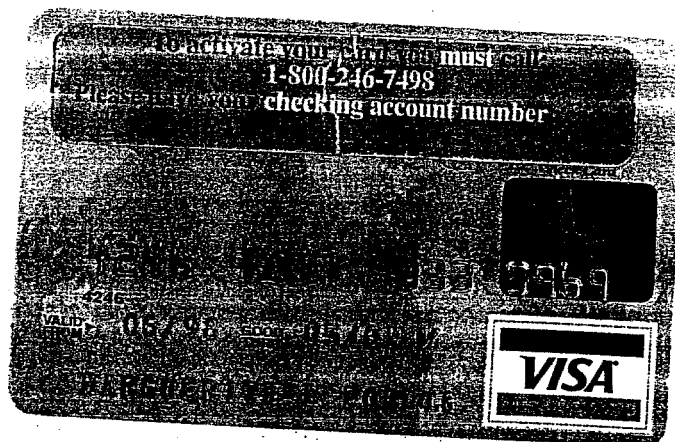
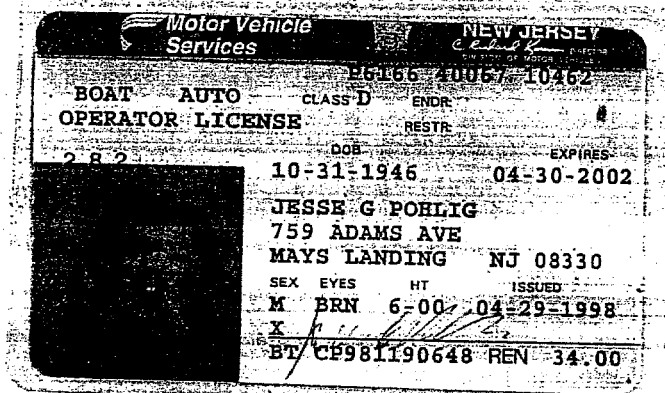
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JEFF HAYNES

PM FRI (11/13)

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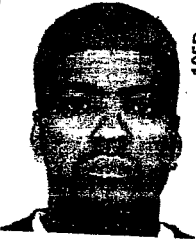
BACK SAT 4



**PENNSYLVANIA  
DRIVER'S LICENSE**

21 285 216


106D



Issued	Birth Date	Expires	
03/13/98	06/04/67	06/30/99	
Sex	Height	Eyes	Dups
M	5' 10"	BRO	00
Class	Endorsements		
C	---		
Com./Med. Restrictions			
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516 W KING STREET YORK PA 17404			

**JEFFERY LYNN HANES**

*Jeffery Hanes*







13

1 van?

2 A I think black. I'm almost positive  
3 they were all black.

4 Q Okay. What time did you leave York  
5 that day?

6 A Morning. I think it was morning.

7 Q Do you recall what time?

8 A Like around -- If I don't recall,  
9 should I take a guess?

10 Q Nope. I don't want you to guess.

11 A It was morning.

12 Q Okay.

13 A That's all I remember.

14 Q Okay. And from where did you leave?

15 A West Market Street outside the Metro  
16 building.

17 Q Okay. Did you know at that point  
18 what time the van needed to be back to York  
19 that day?

20 A No.

21 Q Okay. Did -- At any point during the  
22 day did you find out what time the van needed  
23 to be returned?

24 A Yes.

25 Q When? When did you find out?

14

1           A     Like I think it was around two or  
2     three in the afternoon.

3           Q     Okay. How did you find out?

4           A     From Jeff saying we have to leave  
5     because we have to have the van back by five.

6           Q     He said five?

7           A     Yeah.

8           Q     Okay. What time did you arrive back  
9     at the dealers?

10          A     It was after five.

11          Q     Do you recall was it a lot after, a  
12     little after?

13          A     Like 15 to 20 minutes.

14          Q     Okay. Who was there when you arrived  
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18     was there it looked like employees, but they  
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8

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22 wants us to do with the van, and he said just  
23 leave it there. I'll get to it. And then  
24 there was an employee inside the area, you  
25 know, where you register.

10

1 Philadelphia?

2 A We got to Philadelphia about, like,  
3 quarter to nine. It started at about 9:00, so  
4 we got there about a quarter to nine.

5 Q Okay. And the conference was two  
6 days. It was that day and also the next day?

7 A We just stayed for that day.

8 Q Okay.

9 A At that point in time, I don't know  
10 if it was for the next day or not.

11 Q Okay. And do you know what time the  
12 van was supposed to be returned to the dealer  
13 that day?

14 A About five p.m. that day.

15 Q And who told you that?

16 A Who told me? I heard that over --  
17 When we were on our way back, I heard him  
18 talking about it over the phone.

19 Q Okay. Prior to that, did you know  
20 what time it was supposed to be returned?

21 A Prior to that -- Off the top of my  
22 head, I can't remember. I'm not sure. He did  
23 mention that we wasn't all gonna stay for the  
24 whole thing because he had to get the van back  
25 in time, so --

Q Okay. Do you know what time you were to return the van?

A I'd have to check my notes. I believe it was 5:00.

Q I just want what you recall.

A Okay. 5:00.

Q And how do you know that?

A Just looking over my disposition (sic) and kind of remembering the conversation and Jeff saying we need to have the van back by five.

Q Okay. Do you -- What time did you leave Philadelphia on the 14th?

A I don't recall.

Q Do you know if it was morning, afternoon?

A It was afternoon.

Q Okay. Do you recall at any point during the travel from Philadelphia to York any phone calls made between Mr. Hanes and the rental dealership?

A Yes.

Q Okay. Do you know -- Do you have any idea what time the phone call or calls took place?

A No, I do not. I just know it was in the afternoon.

Q Okay. Do you know who initiated those phone calls? Who made the first call?

A I believe Mr. Hanes called.

Q Okay. Why did he call?

A I believe because there was heavy traffic.

Q Okay. Where was that traffic? Do you know where you were?

A We could have been in Lancaster. It could have been anywhere during the journey,



9

pretty much the same, turnpike down to 30.

Q What time was it when you realized that you would be late returning the van to Apple?

A Well, I guess when she called me or something. I didn't realize I was going to be late.

Q So it wasn't until you got a call from Apple?

A I was in traffic, and I didn't know how long the traffic was going to move or whatever. So I didn't know if I was going to be late.

Q Okay. But you said someone from Apple called you?

A That's correct.

Q When was that?

A Maybe four, 3:50, something -- 3:30 on, something like that.

Q Okay. So you don't know exactly when. You know it was sometime after 3:30?

A Not right off the top of my head. But I do have it written down somewhere, but, no. As of right now, no, I don't.

Q Okay. Now, did you have a cell phone with you that -- that the person from Apple was able to call you?

A That's correct.

Q Okay. Where were you when you received that phone call, that first phone call from the person at Apple?

A In traffic.

Q Do you remember where on the way back? Were you in Bensalem? Were you in -- obviously, you were somewhere between the seminar and York. Do you recall where you were?

A Out on the other side of Lancaster, somewhere between Philly and Lancaster. I don't know exactly.

Q On the far side of Lancaster?

A That's correct.

Q Okay. What happened after the person from Apple called you? Were there any further contacts between you and Apple?

A Did I talk to her anymore?

Q Yes.

A Yes.

Q Okay. Who made -- Who initiated the next contact, you or Apple?

A I called -- I called several times, and I would get, like, the voice message and then I did get to her to call her and let her know how I was making out in traffic and everything.

Q Do you recall when you made those calls?

7

1 and the return of the rental vehicle.

2 A I contacted him first.

3 Q And when was that?

4 A It was a little after 4 o'clock.

5 Q So the first time you called was after 4:00?

6 A (Nods head)

7 Q Who was present when you called?

8 A The other customer waiting on the van.

9 Q Do you have any knowledge of the changes that  
10 were made on the rental contract to Jeffrey L. Hanes?

11 A Yes.

12 Q And explain those changes.

13 A The rental manager called me that morning  
14 stating that that van had to be back by 4:00 p.m. and I  
15 had to record the mileage and the gas on the next rental  
16 agreement for the next customer.

17 Q Who was that that contacted you?

18 A Kathy Sargen.

19 Q Now, how was that a change?

20 A I am not sure what time they picked it up that  
21 morning the previous day. They picked it up that  
22 afternoon, which it would usually be returned the  
23 following afternoon at the same time, but this one had to  
24 be returned earlier.

25 Q And when was that change communicated?

10

7

1 conversation?

2 A I just asked him -- I explained that the  
3 rental van was to be back by 4:00 and I have the customer  
4 there waiting on it, and how far away was he, how soon  
5 would he be back, and that the rental agreement was  
6 supposed to be -- it states that it was supposed to be  
7 returned by 4:00. And I was informed that I have to  
8 charge him for two days because of it being late.

9 Q So in the very first conversation, you had  
10 already been informed to charge him for two days?

11 A Yes.

12 Q So before you even spoke with Mr. Hanes, you  
13 had already spoken with and got your instructions from  
14 Kathy Sargen?

15 A From Kathy Sargen and the sales managers.

16 Q And who was that?

17 A Rick Sargen and Matt Kugle.

18 Q Okay. So then they were present in and out of  
19 the service department then?

20 A No, I called them on the phone.

21 Q So you not only called Matt, but you also  
22 called Rick and then you also called Kathy?

23 A I talked to Kathy that morning when she called  
24 me. And then I -- I am sorry. I did call her to let her  
25 know that the van was not back to see if there was

8

11

8

1 something else I could give the other customer instead of  
2 that van.

3 Q And then did you call Kathy before or after  
4 you called Rick and Matt?

5 A Before.

6 Q So then after you spoke with Kathy, she told  
7 you to charge him for two days, then you spoke with Rick  
8 and Matt Kugle?

9 A Yes.

10 Q Now, after that initial conversation, did you  
11 have another conversation with Mr. Hanes?

12 A Yes, he called back.

13 Q And what was the substance of that  
14 conversation?

15 A He said if he was going to be charged for two  
16 days, he was going to keep the van for two days.

17 Q Okay. Then what action did you take?

18 A I asked him to return the van. And if he  
19 would just return the van today, I would only charge him  
20 for one day.

21 Q Did you tell him you don't have any authority,  
22 but I am just going to do this anyway?

23 A Yes.

24 Q When did you tell him that?

25 A During the conversation. I said I was advised

12





8

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22 but I am just going to do this anyway?

23 A Yes.

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8

1 that I had to charge for two days, but if he brings the  
2 van back so I can give it to the other customer, I would  
3 charge him for one day.

4 Q But you didn't say I don't actually have the  
5 authority to do this?

6 A Probably not, no.

7 Q Then who else did you speak to in reference to  
8 that after that conversation?

9 A Probably one of the managers, Rick or Matt,  
10 because I knew Mr. Hanes was very upset and it was close  
11 to closing time. I knew that I would be back there  
12 alone.

13 Q Was Rick Sargen or Matt Kugle expected to  
14 leave before you got off?

15 A They would leave -- they would usually leave  
16 at 5:00. They close the dealership. I just wanted to  
17 let one of them know that I had to sit and wait on a  
18 customer to bring a rental back.

19 Q Okay. So you weren't afraid at that time,  
20 were you?

21 A No.

22 (Discussion held off the record)

23 (Previous question and answer read by the  
24 reporter)

25 BY ATTY. THOMPSON:



A I don't know. I guess somewhere in the neighborhood of -- after 3:30 or something like that.

Q How often did you make these calls to Apple?

A I might have made two or three calls, maybe. I would say two to three calls, easily.

Q And what did you say during these calls?

A I said, I'm running late. I'm in traffic. Traffic's backed up, and we're not -- I don't think I'm going to make it back by the time.

Q Do you recall when you made your last call to Apple prior to actually getting back to Apple?

A When you say do I remember --

Q Do you remember what time you made that last call prior to actually getting back to Apple?

A Maybe a quarter of five, somewhere in that area.

Q Where were you at that time?

A We were on our way in, maybe Columbia, Lancaster County, somewhere in that neighborhood.

Q What time did you actually arrive back at Apple?

A I think 5:10, 5:15.

(Hanes Deposition Exhibit Number 2 was marked for identification).

BY MS. AUSTIN:

Q I'm showing you a two-page document that has been marked as Exhibit 2. This document was received by you, through your counsel, as part of the discovery process.

A Um-hum.

Q Can you look at this and tell me if you recognize it?

A Yep.

Q What is that?

A It's a copy of my prior phone bill.

Q Okay. If you'll look on page 2, I've highlighted one of the items. Can you tell me the phone number that you called in that highlighted call?

A That was Apple Chevrolet.

Q Okay. And what time was that call?

A It says 5:13 p.m.

Q Okay. Do you know why you would have -- And is that on November 14th?

A That's correct.

Q Do you know why you would have been calling Apple at 5:13 p.m. on that day?

A Yes.

14

1 A Like I think it was around two or  
2 three in the afternoon.

3 Q Okay. How did you find out?

4 A From Jeff saying we have to leave  
5 because we have to have the van back by five.

6 Q He said five?

7 A Yeah.

8 Q Okay. What time did you arrive back  
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23 leave it there. I'll get to it. And then  
24 there was an employee inside the area, you  
25 know, where you register.

13  
1 when you arrived back at the dealer's that day?

2 A About ten after five.

3 Q Who was there when you arrived?

4 A The lady, that's who I seen in the  
5 beginning, and the manager were there also.  
6 The person that was supposed to be renting the  
7 van right after us was waiting out front.

8 Q Okay. When you got the van back to  
9 the dealer's premises, who went inside the  
10 rental area?

11 A Jeff went inside and then everybody  
12 got out of the van. Jeff left first and I  
13 dragged along in the back.

14 Q Okay. So it was just you and Mr.  
15 Hanes that went in or everyone?

16 A I think, off the top of my head, I'm  
17 pretty sure someone else might have went in,  
18 but I'm not sure. At least they were closer  
19 than me. He was actually the one that went to  
20 return everything to the lady.

21 Q Okay. And -- but you also went into  
22 the rental area you said?

23 A Yes.

24 Q Okay. And how far were you away from  
25 Mr. Hanes in the rental area?

14

A I don't know. I guess somewhere in the neighborhood of -- after 3:30 or something like that.

Q How often did you make these calls to Apple?

A I might have made two or three calls, maybe. I would say two to three calls, easily.

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BY MS. AUSTIN:

Q I'm showing you a two-page document that has been marked as Exhibit 2. This document was received by you, through your counsel, as part of the discovery process.

A Um-hum.

Q Can you look at this and tell me if you recognize it?

A Yep.

Q What is that?

A It's a copy of my prior phone bill.

Q Okay. If you'll look on page 2, I've highlighted one of the items. Can you tell me the phone number that you called in that highlighted call?

A That was Apple Chevrolet.

Q Okay. And what time was that call?

A It says 5:13 p.m.

Q Okay. Do you know why you would have -- And is that on November 14th?

A That's correct.

Q Do you know why you would have been calling Apple at 5:13 p.m. on that day?

A Yes.



Q Why?

A Because I was letting her know I was putting gas in it, and I was right on 30, coming down the highway. I just got done putting gas in, filling it up, and I was actually, right on 30, to let her know I was coming right there.

Q Okay. So as of the time of that phone call, 5:13 p.m., you were not yet back at Apple?

A That's a possibility, yes.

Q Okay. What did you do when you got back to Apple?

A What did I do? What do you mean?

Q You arrived at Apple's business premises.

A Right.

Q I assume you turned the van into the parking lot?

A That's correct.

Q What did you do?

A Well, I -- When I got out, I seen the manager locking the gates. I asked him did he want the van; he said hold on. Then I went inside.

Q Do you know who that manager was?

A That was Matt.

Q When you say Matt, you mean Matt Kugel?

A That's correct.

Q Okay. Had you seen him prior to that date?

A Never. No, no.

Q Did Matt take over the van from you after he was locking the gates?

A Like I said, I went inside to turn the keys in. He just told me to hold up, as far as that. He just continued to do what he was doing as far as locking some gates or doors. He was locking up, doing some things.

Q Where was the van at that time?

A I pulled it out front.

Q So the van was still in the lot there?

A Yeah.

Q Okay. And you said you went inside the building?

A That's correct.

Q Okay. Who else was inside the building there when you went in?

A As far as employees?

Q Anyone.

A There was another customer waiting, and the lady behind the counter.

Q Okay. Did you go in alone, or did anyone else from the van come in with you?

A Everybody came in.

18. Any and all documents evidencing any medical consultations, treatment, diagnoses, or prescriptions arising out of or resulting from the incident alleged in Plaintiff's Complaint.

A copy of said document, which is confidential and not to be used for any other purpose apart from this litigation, is attached and incorporated herein.

19. Any and all documents identified in your Response to Defendant's First Set of Interrogatories to Plaintiff, if not already produced in response to a prior request herein.

A copy of "Receipt of Payment" given to Plaintiff on or around March 10, 1999, and "Detail of Usage charges" is attached and incorporated herein.

**CGA Law Firm**  
Countess Gilbert Andrews P.C.

By: 

Sara A. Austin, Esquire  
I.D. # 59052  
29 North Duke Street  
York, PA 17401  
(717) 848-4900

Attorney for Defendants

DATED: July 11<sup>th</sup>, 2001

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **YORK****RECEIPT OF PAYMENT**

Mag. Dist. No.:

**19-1-02**

DJ Name: Hon.

**RICHARD E. MARTIN, II**Address: **577 MARYLAND AVENUE  
SUITE 2  
YORK, PA**Telephone: **(717) 771-4792 17404**COMMONWEALTH OF  
PENNSYLVANIA

VS.

DEFENDANT:

NAME and ADDRESS

**HANES, JEFFERY LYNN  
54 N. RICHLAND  
APT. 1-NORTH  
YORK, PA 17404****JEFFERY L. HANES  
54 N. RICHLAND  
APT. 1-NORTH  
YORK, PA 17404**Docket No.: **NT-0000822-98**Date Filed: **11/16/98****18 \$5503 \$\$A3 DISORDER CONDUCT OBSCENE LANG/GEST**  
(Charge)

<b>RECEIPT NO:</b> 055950	<b>DATE:</b> 3/10/99	<b>PAGE:</b> 1
<b>SOURCE:</b> PAID AT WINDOW	<b>AMOUNT RECEIVED:</b>	\$ 25.00
<b>METHOD:</b> PAID BY CASH	<b>AMOUNT APPLIED:</b>	\$ 25.00
<b>CHECK#:</b>	<b>COLLATERAL APPLIED:</b>	\$ .00
<b>MANUAL RECEIPT#:</b>	<b>CHANGE:</b>	\$ .00
<b>CITATION#:</b> P1177542-2	<b>NEXT PAYMENT AMOUNT:</b>	25.00
<b>COSTS INCLUDED ON:</b>	<b>NEXT PAYMENT DATE:</b>	3/26/99
	<b>NEXT PMT TYPE:</b> TIME PAYMENT	

PAYMENT DESCRIPTION	BALANCE FWD	AMT APPLIED	CURRENT BAL
JUDICIAL COMPUTER PROJECT	1.50	1.50-	.00
POSTAGE	3.00	.29-	2.71
MUNICIPAL FINE 301	150.00	14.02-	135.98
POSTAGE	3.00	.28-	2.72
POSTAGE	3.00	.28-	2.72
COUNTY SERVER FEES	14.45	1.35-	13.10
CONSTABLE EDUC & TRAINING	5.00	.47-	4.53
COURT COST COMM-COST	5.79	.54-	5.25
COURT COST 67-CTY	21.42	2.00-	19.42
COMMONWEALTH COST- HB627	5.79	.54-	5.25
CRIME VICTIM COMPENSATION	15.00	1.40-	13.60
CRIMES COMMISSION	15.00	1.40-	13.60
DOMESTIC VIOLENCE	10.00	.93-	9.07
<b>TOTAL</b>	<b>252.95</b>	<b>25.00-</b>	<b>227.95</b>
<b>CURRENT BALANCE DUE</b>	<b>227.95</b>		

RECVD FROM HANES, JEFFERY LYNN  
THANK YOU! DLS

or Billing Inquiries  
all 1-888-461-3030

Account Name  
JEFFREY L HANES

Account Number  
648486 -1

Invoice Date  
Jan 06, 1999

## Detail of Usage Charges (717-332-0375)

Line	Date	Time	Call From	Call To	No Called	Call Type	Rate Prd	Min	Charges
122	11-13	8:01A	PCS1-PA	YORK PA	VOICE MAIL		T	2	FREE
123	11-13	8:48A	PCS1-PA	YORK PA	717-845-9773		P	1	0.36
124	11-13	9:00A	PCS1-PA	YORK PA	717-845-9773		P	1	0.36
125	11-13	9:19A	PCS1-PA	YORK PA	717-848-5896		P	6	2.16
126	11-13	10:54A	PCS1-PA	YORK PA	717-757-7811		P	2	0.72
127	11-13	10:55A	PCS1-PA	YORK PA	717-851-8166		P	1	0.36
128	11-13	11:01A	PCS1-PA	CAMDEN NJ	609-504-2119	D	P	4	1.44
129	11-13	11:04A	PCS1-PA	CAMDEN NJ	609-504-2119	D	P	1	0.36
130	11-13	11:05A	PCS1-PA	YORK PA	717-845-2000		P	3	1.08
131	11-13	11:08A	PCS1-PA	GETTYSBURG PA	717-334-4318		P	4	1.44
132	11-13	12:03P	PCS1-PA	YORK PA	717-843-3389		P	9	3.24
133	11-13	12:16P	PCS1-PA	YORK PA	717-851-8166		P	1	0.36
134	11-13	1:37P	PCS1-PA	YORK PA	717-846-0329		P	2	0.72
135	11-13	1:40P	PCS1-PA	YORK PA	VOICE MAIL		T	2	FREE
136	11-13	3:11P	PCS1-PA	YORK PA	717-751-1374		P	1	0.36
137	11-13	3:12P	PCS1-PA	YORK PA	717-843-2364		P	2	0.72
138	11-13	4:36P	PCS1-PA	YORK PA	717-843-9853		P	1	0.36
139	11-13	6:36P	PCS1-PA	YORK PA	717-751-1374		P	1	0.36
140	11-13	6:37P	PCS1-PA	YORK PA	VOICE MAIL		T	2	FREE
141	11-13	6:39P	PCS1-PA	YORK PA	717-845-4541		P	2	0.72
142	11-13	6:42P	PCS1-PA	YORK PA	717-851-8166		P	1	0.36
143	11-13	6:43P	PCS1-PA	YORK PA	717-843-9853		P	1	0.36
144	11-13	7:15P	PCS1-PA	YORK PA	717-846-7024		O	7	0.70
145	11-13	7:32P	PCS1-PA	WILMINGTON DE	302-777-4439	D	P	14	5.04
146	11-13	7:46P	PCS1-PA	YORK PA	717-846-1224		O	3	0.30
147	11-13	9:25P	PCS1-PA	YORK PA	717-848-4635		O	2	0.20
148	11-13	9:30P	PCS1-PA	YORK PA	717-851-9063		O	1	0.10
149	11-13	9:31P	PCS1-PA	YORK PA	717-851-9063		O	1	0.10
150	11-13	9:33P	PCS1-PA	YORK PA	717-845-9773		O	1	0.10
151	11-13	9:35P	PCS1-PA	YORK PA	717-851-9061		O	1	0.10
152	11-13	9:35P	PCS1-PA	YORK PA	717-851-9063		O	1	0.10
153	11-13	9:38P	PCS1-PA	YORK PA	717-751-1374		O	1	0.10
154	11-13	9:39P	PCS1-PA	INCOMING CL	717-332-0375		T	1	0.10
155	11-13	9:40P	PCS1-PA	YORK PA	VOICE MAIL		T	2	FREE
156	11-13	9:42P	PCS1-PA	YORK PA	717-751-1374		O	1	0.10
157	11-13	9:43P	PCS1-PA	YORK PA	717-751-1374		O	1	0.10
158	11-13	10:11P	PCS1-PA	YORK PA	717-843-9853		O	1	0.10
159	11-13	11:36P	PCS1-PA	YORK PA	717-848-4635		O	2	0.20
160	11-14	7:51A	PCS1-PA	YORK PA	717-843-3389		W	1	0.01
161	11-14	8:02A	PCS1-PA	STEWARTSTN PA	717-993-3316		W	2	0.02
162	11-14	8:09A	PCS1-PA	STEWARTSTN PA	717-993-3316		W	1	0.01
163	11-14	8:37A	PCS1-PA	YORK PA	717-751-1374		W	1	0.01
164	11-14	9:03A	PCS1-PA	CAMDEN NJ	609-504-2119	D	P	4	1.44
165	11-14	9:46A	PA/NJ/DE	STEWARTSTN PA	717-993-3316		W	5	0.05
166	11-14	9:52A	PA/NJ/DE	CAMDEN NJ	609-504-2119	D	P	4	1.44
167	11-14	10:13A	PA/NJ/DE	YORK PA	717-751-1374		W	1	0.01
168	11-14	10:14A	PA/NJ/DE	YORK PA	717-751-1374		W	1	0.01
169	11-14	11:41A	PA/NJ/DE	YORK PA	717-751-1374		W	2	0.02
170	11-14	11:42A	PA/NJ/DE	GETTYSBURG PA	717-334-7001		W	1	0.01
171	11-14	11:43A	PA/NJ/DE	YORK PA	717-751-1374		W	1	0.01
172	11-14	11:44A	PA/NJ/DE	GETTYSBURG PA	717-334-7401		W	5	0.05
173	11-14	11:57A	PA/NJ/DE	YORK PA	717-848-5896		W	1	0.01
174	11-14	11:58A	PA/NJ/DE	YORK PA	717-845-9773		W	5	0.05
175	11-14	12:02P	PA/NJ/DE	YORK PA	717-845-8146		W	15	0.45
176	11-14	12:17P	PA/NJ/DE	YORK PA	717-851-8166		W	1	0.01
177	11-14	12:19P	PA/NJ/DE	YORK PA	717-851-8166		W	1	0.01
178	11-14	12:26P	PA/NJ/DE	NEWARK NJ	VOICE MAIL		T	1	0.10
179	11-14	12:27P	PA/NJ/DE	YORK PA	717-845-6611		W	4	0.04
180	11-14	3:20P	PA/NJ/DE	YORK PA	717-848-1300		W	1	0.01
181	11-14	3:22P	PA/NJ/DE	YORK PA	717-848-1300		W	2	0.02

Call Type: CF=Call Forwarding CW=Call Waiting  
F=Fax/Data I=International  
TN=Telephone Notification

D=Domestic  
R=Roaming

DO=Voice Dial/Voice Mail Outdial  
3C=3 Way Conference

Rate Prd: O=Off Peak P=Peak

T=Mobile Terminating

M=Multiple Periods

W=Weekend

For Billing Inquiries  
Call 1-888-461-3030

Account Name  
JEFFREY L HANES

Account Number  
648486 -1

Invoice Date  
Jan 06, 1999

## Detail of Usage Charges (717-332-0375)

Line	Date	Time	Call From	Call To	No Called	Call Type	Rate	Prd	Min	Charges
182	11-14	3:26P	PA/NJ/DE	YORK PA	717-848-1300		W		3	0.03
183	11-14	3:29P	PA/NJ/DE	800 SERV CL	800-537-8477		W		2	0.02
184	11-14	3:32P	PA/NJ/DE	STEWARTSTN PA	717-993-3316		W		1	0.01
185	11-14	3:33P	PA/NJ/DE	YORK PA	717-854-2398		W		2	0.02
186	11-14	3:34P	PA/NJ/DE	NEWARK NJ	VOICE MAIL		T		1	0.10
187	11-14	4:22P	PCS1-PA	YORK PA	717-751-1374		W		1	0.01
188	11-14	4:23P	PCS1-PA	YORK PA	717-751-1374		W		2	0.02
189	11-14	4:25P	PCS1-PA	YORK PA	717-843-9853		W		1	0.01
190	11-14	4:27P	PCS1-PA	YORK PA	717-751-1374		W		1	0.01
191	11-14	4:27P	PCS1-PA	YORK PA	717-848-1300		W		2	0.02
192	11-14	4:30P	PCS1-PA	CAMDEN NJ	609-504-2119	D	P		3	1.08
193	11-14	4:42P	PCS1-PA	YORK PA	717-843-9853		W		3	0.03
194	11-14	4:49P	PCS1-PA	YORK PA	717-845-9773		W		2	0.02
195	11-14	5:13P	PCS1-PA	YORK PA	717-848-1300		W		1	0.01
196	11-14	5:34P	PCS1-PA	CAMDEN NJ	609-504-2119	D	P		8	2.88
197	11-14	5:44P	PCS1-PA	YORK PA	717-751-1374		W		1	0.01
198	11-14	5:56P	PCS1-PA	YORK PA	717-843-3389		W		5	0.05
199	11-14	6:08P	PCS1-PA	MAYS LDG NJ	609-625-5610	D	P		5	1.80
200	11-14	6:15P	PCS1-PA	YORK PA	717-751-1374		W		1	0.01
201	11-14	6:16P	PCS1-PA	YORK PA	717-751-1374		W		1	0.01
202	11-14	6:17P	PCS1-PA	YORK PA	717-845-5527		W		1	0.01
203	11-14	6:58P	PCS1-PA	YORK PA	717-845-9773		W		3	0.03
204	11-14	7:12P	PCS1-PA	YORK PA	717-851-9063		W		1	0.01
205	11-14	7:14P	PCS1-PA	YORK PA	717-846-4026		W		1	0.01
206	11-14	7:16P	PCS1-PA	YORK PA	717-845-9773		W		2	0.02
207	11-14	7:45P	PCS1-PA	YORK PA	717-848-5014		W		3	0.03
208	11-14	7:50P	PCS1-PA	YORK PA	717-845-9504		W		1	0.01
209	11-14	7:51P	PCS1-PA	YORK PA	717-846-1224		W		1	0.01
210	11-14	7:52P	PCS1-PA	HARRISBURG PA	717-985-0559		W		1	0.01
211	11-14	9:00P	PCS1-PA	HARRISBURG PA	717-985-0559		W		5	0.05
212	11-14	9:47P	PCS1-PA	YORK PA	717-854-0932		W		1	0.01
213	11-14	9:49P	PCS1-PA	YORK PA	717-848-3321		W		7	0.07
214	11-14	9:56P	PCS1-PA	YORK PA	717-851-9063		W		1	0.01
215	11-14	11:20P	PCS1-PA	YORK PA	717-846-1224		W		1	0.01
216	11-14	11:46P	PCS1-PA	YORK PA	717-851-9063		W		1	0.01
217	11-14	11:53P	PCS1-PA	YORK PA	717-751-1374		W		1	0.01
218	11-14	11:54P	PCS1-PA	YORK PA	717-846-1224		W		2	0.02
219	11-15	1:21A	PCS1-PA	YORK PA	717-851-9063		W		1	0.01
220	11-15	1:42A	PCS1-PA	YORK PA	717-848-4635		W		1	0.01
221	11-15	1:44A	PCS1-PA	YORK PA	717-852-9238		W		1	0.01
222	11-15	1:49A	PCS1-PA	YORK PA	717-852-9238		W		1	0.01
223	11-15	1:50A	PCS1-PA	YORK PA	717-846-2772		W		1	0.01
224	11-15	1:52A	PCS1-PA	YORK PA	717-848-4635		W		2	0.02
225	11-15	1:54A	PCS1-PA	YORK PA	717-846-1224		W		1	0.01
226	11-15	1:55A	PCS1-PA	YORK PA	717-846-1224		W		1	0.01
227	11-15	11:40A	PCS1-PA	MAYS LDG NJ	609-625-5611	D	P		1	0.36
228	11-15	11:41A	PCS1-PA	MAYS LDG NJ	609-625-5610	D	P		1	0.36
229	11-15	11:43A	PCS1-PA	GETTYSBURG PA	717-334-4318		W		1	0.01
230	11-15	11:44A	PCS1-PA	YORK PA	717-848-5896		W		10	0.10
231	11-15	11:54A	PCS1-PA	YORK PA	717-848-4635		W		2	0.02
232	11-15	12:01P	PCS1-PA	YORK PA	717-848-5896		W		2	0.02
233	11-15	12:19P	PCS1-PA	YORK PA	717-852-3130		W		7	0.07
234	11-15	12:47P	PCS1-PA	YORK PA	717-845-9773		W		1	0.01
235	11-15	1:08P	PCS1-PA	YORK PA	717-846-0351		W		1	-0.01
236	11-15	2:44P	PCS1-PA	YORK PA	VOICE MAIL		T		2	FREE
237	11-15	2:45P	PCS1-PA	YORK PA	717-848-9220		W		1	0.01
238	11-15	2:46P	PCS1-PA	YORK PA	VOICE MAIL		T		2	FREE
239	11-15	2:51P	PCS1-PA	YORK PA	717-843-9853		W		1	0.01
240	11-15	3:08P	PCS1-PA	YORK PA	717-848-4635		W		2	0.02
241	11-15	3:12P	PCS1-PA	YORK PA	717-846-7024		W		1	0.01

Call Type: CF=Call Forwarding CW=Call Waiting D=Domestic DO=Voice Dial/Voice Mail Outdial  
 F=Fax/Data I=International R=Roaming 3C=3 Way Conference  
 TN=Telephone Notification  
 Rate Prd: O=Off Peak P=Peak T=Mobile Terminating M=Multiple Periods W=Weekend

15

A Off to the side. Some of them was probably behind me. I can't put them right on the spot where they were actually standing.

Q Okay. Do you recall if they were at the counter with you?

A Dimitrios was up there.

Q Okay. And where was the lady from Apple?

A She was behind the counter.

Q Were there any other doors into or out of that area?

A There might have been another door.

Q Do you recall where it was?

A No.

Q So after you came in and went to the counter, then what did you do?

A I turned the keys in.

Q Okay. Did you then leave?

A No.

Q What happened?

A We had some discrepancy about the bill.

Q Okay. Who's we?

A Me and the lady behind the counter.

Q Okay. What discussion did you have?

A About her charging me for two days.

When we talked on the phone previously, she said she was going to charge me two days. So I said, well, no use in me trying to fight this traffic and get back, and I said just go ahead and charge it, and I'll just keep the van for two days.

Q And what was her response then?

A We had a couple conversations. I think she said let me call you back, or -- I knew the customer was there. I think she said, well, let me call you back. I think she had to make a phone call or something. I'm not sure.

Q So this was while you were still on your way back to Apple?

A Yeah.

Q Okay.

A You're asking me about the conversation, but it was about the conversation that we had on the phone.

Q Okay.

A Then we had the discussion when I got back about the bill.

Q Okay. And was this a discussion in normal tones of voice? Did it get heated? Tell me about it.

A It was in normal tones of voice, and then after, you know, I was going to be charged two days and the van was gone, you know, I was upset about that, because I wasn't going to pay for something I didn't use. Because she originally told me she was charging me one day

14

1 Q So were you referring to Jeffrey Hanes or were  
2 you referring to other customers you also dealt with?

3 A Probably all of them, but this was the one  
4 that drew the last straw with me.

5 Q And why was that?

6 A Because I was being accused of saying stuff  
7 that I didn't say. It just got into a long, drawn-out  
8 thing that didn't need to even happen because there was  
9 no reason for it.

10 Q When did you become aware that the two-day  
11 charge -- well, when Jeffrey Hanes came in, you told him  
12 you were still charging him for two days. Is that right?

13 A I told him I was informed I had to.

14 Q But previously, you had told him you were only  
15 going to charge him for one day?

16 A Yes, because I took that upon myself to do  
17 that.

18 Q And after the time -- so were you told that  
19 you actually had to charge him for two days before he  
20 came in?

21 A Yes.

22 Q And you didn't call him to say, look, I got to  
23 charge you for these two days, I want you to know that?

24 A The first -- he did know that. And then he  
25 called back and I said, listen, if you just bring the van



6

1 A I don't remember.

2 Q So then it is possible since you don't  
3 remember?

4 A I don't know.

5 Q So when was the first time that Joann called  
6 you after the fact that you explained the terms?

7 A About 4:30 in the afternoon.

8 Q And what was the content of that conversation?

9 A She called to tell me that the van wasn't back  
10 yet and my other 4 o'clock customer was there and what  
11 should she do.

12 Q And what did you advise her?

13 A To look on the contract to find a cell phone  
14 number to see if she could call to find out where their  
15 location was, when the van would be back.

16 Q Did you give her any other instruction?

17 A Not at that point.

18 Q At that time, did you give her any instruction  
19 as to what he needed to be charged or anything like that?

20 A There was another -- when she called me back  
21 to tell me, you know, that he was running late, I had  
22 told her then about it would go into a two-day charge.

23 Q At the time of the rental, did you advise Mr.  
24 Hanes that if he was not back by 4 o'clock, that he would  
25 be charged for another day?

7

1 charge two days instead of the one day?

2 A We discussed that before he got back. And  
3 then when the scuttle broke out, I told her that I would  
4 square away things with Mr. Pollack on Monday.

5 Q So if I understand your testimony now, you are  
6 saying first you had a conversation where you told her he  
7 has to be charged two days, then you had a conversation  
8 where she told you she told him only one day, then you  
9 had another conversation where you told her you have to  
10 charge two days. And that was all before he came back?

11 A No, no.

12 Q Okay. So explain where there is a difference.

13 A We had a conversation when he was en route. I  
14 told her to charge him two days because he was late in  
15 picking up the van. And then she called me back later  
16 when the scuttle broke out and said, you know, what was  
17 going on. And I said, well, I would get with Mr. Pollack  
18 on Monday.

19 Q Okay. So she didn't call you before he  
20 arrived to say she was only going to charge for one day?

21 A I don't remember. I don't remember a time  
22 when she called. I mean --

23 Q But you remember those times?

24 A I talked to her I know at least two times. I  
25 don't remember.

10

A Off to the side. Some of them was probably behind me. I can't put them right on the spot where they were actually standing.

Q Okay. Do you recall if they were at the counter with you?

A Dimitrios was up there.

Q Okay. And where was the lady from Apple?

A She was behind the counter.

Q Were there any other doors into or out of that area?

A There might have been another door.

Q Do you recall where it was?

A No.

Q So after you came in and went to the counter, then what did you do?

A I turned the keys in.

Q Okay. Did you then leave?

A No.

Q What happened?

A We had some discrepancy about the bill.

Q Okay. Who's we?

A Me and the lady behind the counter.

Q Okay. What discussion did you have?

A About her charging me for two days. When we talked on the phone previously, she said she was going to charge me two days. So I said, well, no use in me trying to fight this traffic and get back, and I said just go ahead and charge it, and I'll just keep the van for two days.

Q And what was her response then?

A We had a couple conversations. I think she said let me call you back, or -- I knew the customer was there. I think she said, well, let me call you back. I think she had to make a phone call or something. I'm not sure.

Q So this was while you were still on your way back to Apple?

A Yeah.

Q Okay.

A You're asking me about the conversation, but it was about the conversation that we had on the phone.

Q Okay.

A Then we had the discussion when I got back about the bill.

Q Okay. And was this a discussion in normal tones of voice? Did it get heated? Tell me about it.

A It was in normal tones of voice, and then after, you know, I was going to be charged two days and the van was gone, you know, I was upset about that, because I wasn't going to pay for something I didn't use. Because she originally told me she was charging me one day

when I brought the van back. And I was upset because she lied to me in order to get me to bring the van back. That's the way I took it.

Because we had several conversations, and then when I got there, then she said she was going to charge me, so I got upset about being charged for something that I'm not using.

Q Now, you said at that point the van was already gone?

A I don't know if it was actually gone. I did turn the keys in, and I said, well, just give me the keys back and then you can charge me two days. I have no problem with that.

Then I think the customer that was there had left the room with the manager to go out to the van, and -- prior.

Q Okay. Now, was it just you and the lady behind the counter that were involved in this discussion, or were there other people involved?

A Me and her was doing the discussing.

Q Okay. Now, you said some point you got angry because you had been told you were going to be charged two days, and the keys or the van were no longer available to you.

What happened at that point after you got angry?

A I told her I'm not being charged for two days because I didn't use the van for two days, and I'm not paying for two days.

Q At this point were you still speaking in a calm tone?

A I might have been getting loud, probably then.

Q How about the lady behind the counter, was she still speaking in a calm tone?

A I guess it started getting loud for both of us because I didn't want to be billed, and she seemed like she was upset for waiting on me being late.

Q Okay. Were you both talking slowly to be understood? Were you both talking quickly? How was that conversation or discussion proceeding?

A I guess just general talking. I didn't look at it as fast or slow.

Q Okay. How did you know that she was upset waiting for you? I think those were your words.

A Well, after we got into the disagreement of me paying, I said, I'm not paying. I was consistently saying, I'm not paying. I said -- You know, I said, I'm not paying until you give me the keys back. I said, you're going to have to bill my -- the credit card is not my credit card, but I said I'm not paying. And she -- She said, you're

13

1 out. And then after that was since 4 o'clock.

2 Q Now, what was going on that he said, why are  
3 you so nice to the other customer?

4 A Because I was trying to explain to the  
5 customer where the van was at and what they needed to do  
6 before they brought the van back as far as filling the  
7 tank of gas up.

8 Q When did you explain that to the customer?

9 A As soon as I got the keys.

10 Q So you hadn't explained where the van was at  
11 prior to Mr. Hanes coming?

12 A No, because I wasn't sure where they were  
13 going to park it.

14 Q Okay. So when you say where the van was at,  
15 you are talking about where it was parked --

16 A Right.

17 Q -- after it came in? And you are saying  
18 because Mr. Hanes asked you, why were you so nice to him,  
19 that's in your tone of voice?

20 A Pardon me?

21 Q Was your tone of voice still loud with John  
22 Schriver?

23 A I wouldn't think so, no.

24 Q So when he referred to why are you so nice,  
25 was you using a different tone of voice with John

13

1 Schriver than Jeffrey Hanes?

2 A At that point, yes.

3 Q And so when he asked you, why are you so nice,  
4 you responded because I waited on you or --

5 A I just tried to explain to him, we have been  
6 sitting here waiting for him, yes.

7 Q And what was your tone of voice at that time?

8 A Stern.

9 Q Was it also loud as you were previously?

10 A Probably not quite as loud. It was loud.

11 Q Not as loud?

12 A It was loud, but I wouldn't say --

13 Q Was it louder than what you were talking with  
14 John Schriver?

15 A Yes.

16 Q So after talking to John Schriver, Jeffrey  
17 Hanes asked you about that and then you became loud?

18 A We all were loud. It was a constant loud.  
19 The tone just never changed.

20 Q But in between that time, you had communicated  
21 with John Schriver. Is that right?

22 A Yes.

23 Q But your tone was not the same with John  
24 Schriver?

25 A No, because he was listening. He was letting

14

1 Q So were you referring to Jeffrey Hanes or were  
2 you referring to other customers you also dealt with?

3 A Probably all of them, but this was the one  
4 that drew the last straw with me.

5 Q And why was that?

6 A Because I was being accused of saying stuff  
7 that I didn't say. It just got into a long, drawn-out  
8 thing that didn't need to even happen because there was  
9 no reason for it.

10 Q When did you become aware that the two-day  
11 charge -- well, when Jeffrey Hanes came in, you told him  
12 you were still charging him for two days. Is that right?

13 A I told him I was informed I had to.

14 Q But previously, you had told him you were only  
15 going to charge him for one day?

16 A Yes, because I took that upon myself to do  
17 that.

18 Q And after the time -- so were you told that  
19 you actually had to charge him for two days before he  
20 came in?

21 A Yes.

22 Q And you didn't call him to say, look, I got to  
23 charge you for these two days, I want you to know that?

24 A The first -- he did know that. And then he  
25 called back and I said, listen, if you just bring the van



14

1 back, I will only charge you for one day.

2 Q And I am asking you, did you -- but after  
3 that, you were told no, you really have to charge him for  
4 two days. Is that right?

5 A That's right.

6 Q That is right?

7 A That's right.

8 Q Okay. But the last thing you told Jeffrey  
9 Hanes is he would only be charged for one day. Is that  
10 correct?

11 A Yes.

12 Q Did you -- once you received alternative  
13 instructions, did you call back, call him back and say, I  
14 really got to charge you for these two days?

15 A No, I didn't, because he said he would be  
16 there within twenty minutes. He should have been there  
17 any time. At that point, he should have been there  
18 within minutes.

19 Q But he wasn't there?

20 A No, he wasn't there.

21 Q And you didn't call him?

22 A No, I didn't.

23 Q So you didn't tell him, there is a change, I  
24 have to charge you the two days?

25 A No.

14

1 Q So from your knowledge, your last  
2 conversation, he came in expecting a one-day charge?

3 A Yes.

4 Q Did you speak with Terrence Stewart shortly  
5 after November 14th of '98?

6 A Yes, Terry called me.

7 Q And what was the substance of that  
8 conversation?

9 A Just about he was sorry that I went through  
10 something like that and asked me if I -- if there was any  
11 way I would return to work. And I said, not at that  
12 position, no.

13 Q Did you explain to him that it wasn't just  
14 that situation, it was dealing with customers in general?

15 A No.

16 Q So when is the first time that you said that  
17 it wasn't just that situation, it was the fact that I  
18 deal with these type of customers in general?

19 A I deal with these customers every day like  
20 that in general, but this was the situation that made me  
21 quit, that I decided to quit, that I no longer wanted to  
22 work under this situation.

23 Q Well, my question was, when did you advise  
24 someone that it wasn't just this situation?

25 A It never came up.

15

1 Q Okay. At the rental desk there?

2 A At the desk, yes.

3 Q And was that person male or female?

4 A Female.

5 Q Okay. Anyone else there?

6 A I can't remember anybody else.

7 Q Okay.

8 A I think there might have been in  
9 behind them -- I don't know how it is now; but  
10 there was like the rental area, and there was  
11 like some computers back there. I think I  
12 might have seen like another employee back  
13 there, but he might have been sweeping. I  
14 don't know.

15 Q Okay. But not in that rental room  
16 right there?

17 A No. Not where the confrontation went  
18 on.

19 Q Okay. When you guys got back with  
20 the van, how many people went inside the rental  
21 area?

22 A Excuse me. There was another  
23 gentleman with the lady waiting at the rental  
24 area.

25 Q Okay. On your side of the counter or

16

1 on her side?

2 A On our side.

3 Q Okay.

4 A Which that was -- I mean, do you need  
5 to ask me the question? But we found out that  
6 was the gentleman that was waiting for the  
7 van --

8 Q Okay.

9 A -- to take it.

10 Q Okay.

11 A Not the employee. He was waiting  
12 because he had rented the van.

13 Q Okay. Great. Thank you. When you  
14 all got there with the van, how many people  
15 came inside the rental area?

16 A We all went inside, four or five  
17 people?

18 Q Okay. Why did you all go inside?

19 A Because we were waiting for Jeff's  
20 brother-in-law to come pick us up.

21 Q Okay.

22 A Because the reason he called his  
23 brother-in-law is because the lady told Jeff  
24 that -- just bring the van because it was after  
25 five, and she was -- There was like some

5

1 back of the dealership.

2 Q If you would be able to say a number of feet  
3 or yards, what is that, the distance?

4 A In between the two?

5 Q Yes.

6 A Twenty yards would be my guess.

7 Q And your guess is based on working there  
8 virtually daily for ten or so years?

9 A (Nods head)

10 Q Now, did you advise or instruct anyone what to  
11 do or what to say in reference to the incidents on  
12 November 14th of 1998?

13 A Not that I recollect, no.

14 Q What was your involvement on November 14th of  
15 '98?

16 A Joann Hall called me and -- I don't recollect  
17 all the details, but I recollect at one point her asking  
18 me to come back and help her with a customer.

19 And I recall going back to a disagreement over  
20 a rental charge. I recollect Jeffrey Hanes and Joann  
21 being in the cashier area, those two being the ones  
22 having the disagreement.

23 Q Now, can you -- go ahead. I will let you  
24 finish.

25 A I recollect trying to mediate and relieve a

6. Admit that Plaintiff was yelling, screaming, gesticulating, and shouting obscenities and vulgarities at one or more of Defendant's employees upon Plaintiff's return of the van on November 14, 1998; Deny.

7. Admit that Plaintiff told Defendant's employee that she was treating white customers better and that the employee denied same; Deny.

8. Admit that Plaintiff blocked Defendant's employee's vehicle in the parking lot such that she was unable to leave; Deny.

9. Admit that Defendant summoned the police because Plaintiff would not leave Defendant's premises when Plaintiff was asked to do so; Deny.

10. Admit that, at the District Justice hearing, Plaintiff admitted that Defendant's employee did not make the comments Plaintiff alleged in his York City Human Relations Commission Complaint that she made; Deny.

11. Admit that a customer was waiting for the van when Plaintiff returned it on November 14, 1998; Admit.

12. Admit that when Plaintiff initially called Defendant Plaintiff said Plaintiff was 20 minutes away; Admit, but Plaintiff further said that he was stuck in traffic, which thereby extended his travel time.



when I brought the van back. And I was upset because she lied to me in order to get me to bring the van back. That's the way I took it.

Because we had several conversations, and then when I got there, then she said she was going to charge me, so I got upset about being charged for something that I'm not using.

Q Now, you said at that point the van was already gone?

A I don't know if it was actually gone. I did turn the keys in, and I said, well, just give me the keys back and then you can charge me two days. I have no problem with that.

Then I think the customer that was there had left the room with the manager to go out to the van, and -- prior.

Q Okay. Now, was it just you and the lady behind the counter that were involved in this discussion, or were there other people involved?

A Me and her was doing the discussing.

Q Okay. Now, you said some point you got angry because you had been told you were going to be charged two days, and the keys or the van were no longer available to you.

What happened at that point after you got angry?

A I told her I'm not being charged for two days because I didn't use the van for two days, and I'm not paying for two days.

Q At this point were you still speaking in a calm tone?

A I might have been getting loud, probably then.

Q How about the lady behind the counter, was she still speaking in a calm tone?

A I guess it started getting loud for both of us because I didn't want to be billed, and she seemed like she was upset for waiting on me being late.

Q Okay. Were you both talking slowly to be understood? Were you both talking quickly? How was that conversation or discussion proceeding?

A I guess just general talking. I didn't look at it as fast or slow.

Q Okay. How did you know that she was upset waiting for you? I think those were your words.

A Well, after we got into the disagreement of me paying, I said, I'm not paying. I was consistently saying, I'm not paying. I said -- You know, I said, I'm not paying until you give me the keys back. I said, you're going to have to bill my -- the credit card is not my credit card, but I said I'm not paying. And she -- She said, you're



9           1       Hanes was questioning you about the bill?

2           A       It was a lot of other things besides just  
3       being questioned about the bill.

4           Q       And what was that?

5           A       Well, he was very upset, and just being  
6       accused of different things.

7           Q       And what actual statements were you making  
8       during that time?

9           A       I tried to explain the bill to him, what was  
10       told to me that I had to do for the rental contract, for  
11       the billing. I explained to him -- I also explained to  
12       him that the other customer was waiting at the dealership  
13       since like quarter of -- between quarter of and 4 o'clock  
14       to pick up his rental, this same van that Jeffrey had.

15                It was just everybody was very upset and I was  
16       being accused of treating the other person better than  
17       what I was treating Jeffrey Hanes.

18           Q       When you say everybody was very upset, who is  
19       that? Who was everybody?

20           A       Jeffrey Hanes, myself, Matt.

21           Q       And when you were describing yourself as being  
22       upset, describe what occurred. How was your voice? How  
23       did you look? What was going on?

24           A       It was very loud. I can't explain how I  
25       looked. I don't know how.

10

1 Q When you say it was very loud, are you saying  
2 I was very loud?

3 A All three of us were very loud.

4 Q Okay.

5 A It's like I would start to explain things, I  
6 couldn't even finish my sentences. It just got to a  
7 point where it kept going on and on and on and on, that I  
8 just wanted to leave.

9 I mean, there was no exchange. All I had to  
10 do was take the keys and the paperwork. That's all we  
11 needed to do. The rental department was going to bill  
12 whoever was assigned to this rental. But it just got  
13 into a big mess and it just kept going on and on and on  
14 and on.

15 Q So did you at any time tell Mr. Hanes, well,  
16 come back at another time and speak to another manager or  
17 anything like that?

18 A Matt did.

19 Q And what was his words?

20 A That he will talk to Kathy about this and they  
21 will contact him Monday.

22 Q Did Matt make any other statements?

23 A He also tried to calm Jeffrey Hanes down.

24 Q And what did he say?

25 A That he would just take the rental agreement

15  
1 like, you say, in between the door. He came  
2 over, conversation started out. Once it  
3 started getting like loud, I started to walk  
4 closer. And as I started to walk closer,  
5 that's when everything erupted. It was started  
6 to erupt. By the time I got there, both  
7 tempers flared up, and a few choice words were  
8 being said.

9 Q What was being said?

10 A Well, actually what I heard was  
11 basically -- When he came back to return the  
12 van, the lady mentioned, I waited on your black  
13 and she said -- I started to move a little  
14 closer. He said, what do you mean? You waited  
15 on my black what? Finish what you were saying.  
16 Did you wait on my black ass? I'm like whoa.

17 And at that point in time the manager  
18 came out, and he threatened about notifying the  
19 police and everything. It was settled, and  
20 eventually we ended up -- everybody ended up  
21 leaving. She came out. When I was walking out  
22 the door, we waited on our car for about 20  
23 minutes, she came out right in back of us. And  
24 then when the car was pulling up, she came out  
25 and sped right off. She was like right beside

21  
1 think Jeff just wanted to sign the paper that  
2 -- you know how when you return something back?  
3 And that's when the lady said that she was  
4 going to charge for two days, and that's when  
5 things just -- You know, he was like, well, you  
6 said if we bring it back it was going to be  
7 like one day. And she was, like, well -- You  
8 know, it was just like a little bit of  
9 bickering between the employee and Jeff.

10 Q Okay. Now, how far away from them  
11 were you standing?

12 A Maybe like two, three feet, four  
13 feet.

14 Q Okay. And what happened as they were  
15 going around about that?

16 A It just got a little bit heated over  
17 that, you know, one day, two day. Jeff said,  
18 well, why did you say on the phone that you  
19 were only going to charge for one day, and, you  
20 know, if I could have had it for the second  
21 day, I could take everybody -- I would have  
22 took everybody to their destination. I  
23 wouldn't have my brother-in-law coming, and  
24 this and that. And she just like blew up a  
25 little bit. That lady said, well, I've been

Q Okay. Do you know what time it was when you arrived at the dealership on the return from Philadelphia?

A I think it was around five.

Q Who was there in the rental area when you returned the van?

A A lady.

Q Anyone else?

A At the time -- A manager came out later on, but that was -- I think there might have been like one or two other people back in the office or whatever, but only -- she's the only one I remember, and then there was a manager coming out later on.

Q Okay. Did you, yourself, go into that rental area?

A Yes.

Q Did everyone else in the van go into the rental area?

A Yes.

Q Okay. Why did you all go into the rental area?

A I'm not really sure. We just all did.

Q Okay. Okay. What happened when you all went into the rental area to return the van?

A I guess there was some hostilities there. Conversations started. It seemed like it was pretty calm.

Q Between who?

A Between Mr. Hanes and whoever the sales lady was.

Q Okay. You said it started calm?

A Yeah, and it's like it got heated after a while. I thought maybe there was some miscommunication somewhere.

Q Did you hear anything that was said?

10  
1 talking about charging for two days, and they  
2 got into some argument about why are you  
3 charging? She told him that on the phone  
4 coming from Philadelphia that I didn't have to  
5 pay for another day, and he said he was going  
6 to keep the van if he had to pay for another  
7 day, and she said that she was sitting here  
8 waiting -- I was sitting here waiting on your  
9 black and she stopped short of saying whatever.  
10 After that and black and everybody was like  
11 looking and she said -- He said, black what?  
12 He told her black what? Black what? And she  
13 said I don't need this shit. I don't need this  
14 shit, and was gathering her stuff up, and got  
15 in the car. Some other man came out too,  
16 during this here too. I don't know who he was,  
17 but he came out, and --

18 Q Is this another employee or customer?

19 A No, it was an employee. It had to be  
20 an employee because --

21 Q Okay.

22 A Yeah. He came out and then she went  
23 and got into her car, and just like took off.

24 Q Okay. Now, who was inside when you  
25 guys all went inside?



10

1 Q When you say it was very loud, are you saying  
2 I was very loud?

3 A All three of us were very loud.

4 Q Okay.

5 A It's like I would start to explain things, I  
6 couldn't even finish my sentences. It just got to a  
7 point where it kept going on and on and on and on, that I  
8 just wanted to leave.

9 I mean, there was no exchange. All I had to  
10 do was take the keys and the paperwork. That's all we  
11 needed to do. The rental department was going to bill  
12 whoever was assigned to this rental. But it just got  
13 into a big mess and it just kept going on and on and on  
14 and on.

15 Q So did you at any time tell Mr. Hanes, well,  
16 come back at another time and speak to another manager or  
17 anything like that?

18 A Matt did.

19 Q And what was his words?

20 A That he will talk to Kathy about this and they  
21 will contact him Monday.

22 Q Did Matt make any other statements?

23 A He also tried to calm Jeffrey Hanes down.

24 Q And what did he say?

25 A That he would just take the rental agreement



19

11

1 Q So you thought that implied, okay, I am done  
2 with you now, I have everything I need from you now, so  
3 you can leave?

4 A Yes.

5 Q Now, as far as John Schriver, the other person  
6 to rent that vehicle, how long was he present?

7 A He came to the dealership about ten of 4:00.

8 Q No, I am asking actually so I can direct you,  
9 once Jeffrey Hanes arrived, how long was John Schriver  
10 present?

11 A I would say not even five minutes.

12 Q Okay. So basically, Jeffrey Hanes handed you  
13 the keys and you handed the keys to John Schriver and he  
14 left, or somebody handed the keys to John Schriver?

15 A I handed the keys to John Schriver, yes.

16 Q And then he left?

17 A Yes.

18 Q Once he had the keys?

19 A Yes.

20 Q So was he a party to this conversation between  
21 you?

22 A Yes.

23 Q John Schriver could hear the conversation  
24 between you?

25 A Yes.

20

8

1 that I had to charge for two days, but if he brings the  
2 van back so I can give it to the other customer, I would  
3 charge him for one day.

4 Q But you didn't say I don't actually have the  
5 authority to do this?

6 A Probably not, no.

7 Q Then who else did you speak to in reference to  
8 that after that conversation?

9 A Probably one of the managers, Rick or Matt,  
10 because I knew Mr. Hanes was very upset and it was close  
11 to closing time. I knew that I would be back there  
12 alone.

13 Q Was Rick Sargen or Matt Kugle expected to  
14 leave before you got off?

15 A They would leave -- they would usually leave  
16 at 5:00. They close the dealership. I just wanted to  
17 let one of them know that I had to sit and wait on a  
18 customer to bring a rental back.

19 Q Okay. So you weren't afraid at that time,  
20 were you?

21 A No.

22 (Discussion held off the record)

23 (Previous question and answer read by the  
24 reporter)

25 BY ATTY. THOMPSON:

5

1 back of the dealership.

2 Q If you would be able to say a number of feet  
3 or yards, what is that, the distance?

4 A In between the two?

5 Q Yes.

6 A Twenty yards would be my guess.

7 Q And your guess is based on working there  
8 virtually daily for ten or so years?

9 A (Nods head)

10 Q Now, did you advise or instruct anyone what to  
11 do or what to say in reference to the incidents on  
12 November 14th of 1998?

13 A Not that I recollect, no.

14 Q What was your involvement on November 14th of  
15 '98?

16 A Joann Hall called me and -- I don't recollect  
17 all the details, but I recollect at one point her asking  
18 me to come back and help her with a customer.

19 And I recall going back to a disagreement over  
20 a rental charge. I recollect Jeffrey Hanes and Joann  
21 being in the cashier area, those two being the ones  
22 having the disagreement.

23 Q Now, can you -- go ahead. I will let you  
24 finish.

25 A I recollect trying to mediate and relieve a

5           1       tension-filled situation. I recollect trying to reason  
2           2       with Jeffrey Hanes to try to calm all parties involved  
3           3       down. I recollect that not happening, so I recollect  
4           4       informing Jeffrey Hanes that I was going to call the  
5           5       police to help mediate the situation. I recollect him  
6           6       informing me to go ahead and do so, so I did.

7                     I recollect a number of others being in the  
8           8       cashier area at that time. The number, I do not  
9           9       recollect. I recollect Jeffrey Hanes and the others that  
10          10       were there leaving. I recollect Joann leaving. I  
11          11       recollect the police coming. I recollect telling them  
12          12       what happened.

13                    I recollect there was a customer waiting there  
14          14       for a rental van that was being returned by Jeffrey  
15          15       Hanes. I recollect speaking to Kathy Sargen on the phone  
16          16       because Joann Hall had asked me to go out and check the  
17          17       van over when it came back from being out. I recollect  
18          18       noticing or making note of damage that was on the van and  
19          19       I remember speaking to Kathy on the phone about it and  
20          20       her telling me that it was damage that was there, not to  
21          21       worry about it.

22                    I recollect the subject of charges incurred  
23          23       for the rental as being what the disagreement was about,  
24          24       the van not being returned on time. I recollect trying  
25          25       to put those charges aside. I recollect trying to inform

5

1 the parties involved not to worry about the charges, that  
2 we would square them away later, because obviously it was  
3 a tension-filled situation in my opinion and I felt it in  
4 the best interest of all involved to just handle it in  
5 that way.

6 Q Now, you said that Joann called you?

7 A Yes, ma'am.

8 Q Do you recall around about the time of her  
9 first call to you in reference to any rental action?

10 A No, ma'am.

11 Q Do you remember the number of times she called  
12 you?

13 A No, ma'am.

14 Q Do you know if she just called you the one  
15 time when Mr. Hanes was present?

16 A I honestly don't remember the number.

17 Q Any specific reason why you don't remember  
18 that but you remember all other details?

19 A I am sure I don't remember all other details.  
20 I am sure there is a lot of them I left out. I am sorry.  
21 It has been so long. I just don't remember.

22 Q Now, you said that she called you and told you  
23 that Mr. Hanes was present and upset?

24 A She didn't name him, no, that's not correct.

25 Q I didn't say that she named him. But she told

6

2



13

1 cashier charges for a rental?

2 A No.

3 Q Have you ever done it before?

4 A I have the authority to -- I have the  
5 authority to make decisions whether to let a customer --  
6 yeah, I have the authority to reduce a charge on a  
7 customer's bill.

8 Q Now, I asked, have you ever done it before?

9 A For a rental?

10 Q Yes.

11 A I don't recall.

12 Q Okay. But you recall you have the authority?

13 A Absolutely.

14 Q And who gave you the authority?

15 A Terry Stewart.

16 Q And when was that?

17 A When I became sales manager.

18 Q Did you -- on November 14th of '98 or prior  
19 to, did you recall who Jeffrey Hanes was by his name?

20 A Say the question again, please. I am sorry.

21 Q Was it the name Jeffrey L. Hanes that  
22 refreshed your recollection of your high school days?

23 A When I went back to the cashier area, no, I  
24 didn't know his name. I recognized Jeffrey Hanes because  
25 I recognized him from high school.

13

1 Q Okay. From ninth grade?

2 A Um-hum.

14

3 Q 14 years old?

4 A Yeah.

5 Q Okay. And how many years had you seen him  
6 from '98?

7 A I don't know if I ever did or if I didn't. I  
8 don't recall.

9 Q I am actually asking you at the time of  
10 November 14th of '98, how many years had passed since you  
11 had last seen Jeffrey Hanes?

12 A I don't know.

13 Q Why not?

14 A I don't recall. I don't recall --

15 Q When is the last time you do recall seeing him  
16 before November of '98?

17 A High school, ninth grade.

18 Q So how many years would that have been?

19 A Seventeen? I don't know.

20 ATTY. THOMPSON: Before I say that's all, I  
21 want to make sure that's all.

22 ATTY. AUSTIN: That's fine.

23 BY ATTY. THOMPSON:

24 Q Just to clarify, did the other persons in  
25 Jeffrey Hanes' party say anything to you or Joann Hall



paying. She stated that I was going to pay for the two days. I said, well, you told me this, and I said that's what I'm going by.

I said, basically, you told me -- You tricked me into getting here. She said, I didn't trick you into bringing the van back, which I know she did and felt she did. And then she went into, I waited on your black -- and then she didn't finish her sentence. I stated -- I said, you want me to finish it? My black ass. That's all I said. And then she said, I didn't say that. I said, you didn't say black ass, but you said black.

Q What was her response, if any?

A When I said that?

Q Yes.

A She said, she didn't say black ass. And then I don't know if Matt came in, Kugel, the manager came in at that time. She was upset because I was telling him what she said. I said, I know you said it. And, bottom line, I clarified what she said to her, and she had a disagreement. And she said, eff this place. I don't need this. She kept going on and on using profanity. And like I said, Matt came in the room. I don't know if she was cussing at that particular time, when he walked in.

And I told him, I said, I'm not paying. I said the same thing to him. I'm not paying two days. And, basically, he said, well -- and then -- I'm trying to think. He came in. I don't know if he -- She made a call, like I said, to him. He came in, and he came in like he was already under the -- whatever she told him, he came in like with a attitude, so I said to him, once again. I'm not paying. I don't care. And then --

Q Where did she make the call from to him?

A I think there's a phone right there at the desk. There's a phone on that desk, I believe.

Q So you knew she was calling someone?

A Yeah.

Q Did you hear her -- what she said?

A Not exactly. I think she said just come over here. I'm having a problem with a customer or something like that of that nature. I can't remember her exact words.

Q Did she provide any specific details?

A To the manager?

Q When she called the manager to come in.

A She was saying I don't want to pay the two days, and something of that nature. Like I said, it was probably more said; but I

wasn't paying attention. By that time those guys in there was talking too, among themselves.

Q Okay. What happened when Matt entered the room? What did he do or say?

A He said, well, we got your information. We're going to bill your -- the card. I said, no, you're not billing the card because I don't have the van. Give me the van back. I said, well, I'm not going with that. He asked me to sign a paper. That's what it was. And I refused to sign the paper. And then he said, well -- Like I said, we were all getting loud. He said, well, I'm going to call the police. I said, call them. And I waited and the police never showed, so I left.

Q Why was Matt calling the police?

A He said, I'll get the police here to alleviate the situation. I said, no problem.

Q Did he then go call the police?

A I believe he did dial the police, and -- He dialed the police, and then I waited.

Q Were you all inside the rental area at that point?

A Yeah.

Q When did the others that were in the van leave Apple's premises?

A Well, he was locking up -- While this was going on, he continued to lock up. So basically, we all left out the building. Everybody left together.

Q And when you say everybody, do you mean everyone from the van, or --

A Everyone from the van, even the lady behind the desk, she was walking out. We all was walking out, because he was locking the building. Okay? And she was leaving. We all walked out that front door, whatever, side door. We stood outside.

Q Okay.

A And I was just waiting for the police to be called.

Q Okay. Did you and all the others that were in the van leave Apple at the same time?

A No.

Q Okay. Did they leave before or after you?

A Before me.

Q Okay. When did they leave?

A When you say when, do you mean time wise, or --

Q Yes.

A Prior to me, probably, maybe 15 minutes.

Q How did they leave?

A That's when my brother-in-law, he

23

1 getting more like aggressive or mad, and she  
2 was like I don't need this bull shit. And, you  
3 know, just like cussing and fuck this job and  
4 this and that, and that's all.

5 Q Okay. Then what happened?

6 A Basically getting mad. And then we  
7 started walking -- **Oh, and then this other guy**  
8 **came in.** That was the guy that was -- when we  
9 first came, the employee, he came in, and he  
10 started saying -- you know, putting his part in  
11 the conversation. Started saying, well, if you  
12 don't want to pay two days get a lawyer, get a  
13 lawyer. It was like, you know, and after he  
14 said get a lawyer, I guess I walked outside  
15 with, I think it was three or four other  
16 gentlemen, we walked outside. And then he was,  
17 **that same guy was saying about calling the**  
18 **police because of the argument,** because of the  
19 lady.

20 Q Now, had that guy walked outside with  
21 you?

22 A No. He was inside there. When that  
23 lady started, you know, like, tripping out like  
24 yelling and stuff, he came -- he was in the  
25 room there, and that's when he was like just

15

1       like, you say, in between the door. He came  
2       over, conversation started out. Once it  
3       started getting like loud, I started to walk  
4       closer. And as I started to walk closer,  
5       that's when everything erupted. It was started  
6       to erupt. By the time I got there, both  
7       tempers flared up, and a few choice words were  
8       being said.

9               Q       What was being said?

10              A       Well, actually what I heard was  
11       basically -- When he came back to return the  
12       van, the lady mentioned, I waited on your black  
13       and she said -- I started to move a little  
14       closer. He said, what do you mean? You waited  
15       on my black what? Finish what you were saying.  
16       Did you wait on my black ass? I'm like whoa.

17                   And at that point in time the manager  
18       came out, and he threatened about notifying the  
19       police and everything. It was settled, and  
20       eventually we ended up -- everybody ended up  
21       leaving. She came out. When I was walking out  
22       the door, we waited on our car for about 20  
23       minutes, she came out right in back of us. And  
24       then when the car was pulling up, she came out  
25       and sped right off. She was like right beside

agreed to do this and that.

Q So he was upset about the monetary dealings?

A I don't know if he was upset about it. I think he was trying to explain to her what they had talked about on the phone.

Q So this was the same conversation that had started before that comment was supposedly made?

A Yeah. And from what I understand, he thought it was all settled.

Q Did it get resolved there in the rental office?

A I would say no.

Q Why do you say that?

A Because she walked out. She was angry. The manager came in. And for the most part, he seemed like he was trying to get to the bottom of what was going on. I guess he had to call the police, so, you know, I guess things really didn't get out of hand.

Q Were you there when the police were called?

A I think we tried to wait around for a while, and I think they -- I can't remember if they did show up or if we just left after a while, so I really can't recall that.

Q Okay. You were there when the manager came in?

A Yeah.

Q And you said this was a male, correct?

A Right.

Q Okay. What was his tone and behavior like?

A He was just trying to get to the bottom of it. He really -- I didn't think he was really all that upset. I mean, obviously, he is concerned. You know, I guess, you know, he wants to try to resolve the situation the



12

1 Hanes knew each other at all?

2 A No, no. I believe he was, like, sort  
3 of like an Apple employee because he came from  
4 out through the back area like.

5 Q Okay. And then what happened after  
6 that gentleman came out?

7 A Well, he wanted to know what was  
8 going on, and he was -- Jeff was like talking  
9 to her -- talking to him about, you know, what  
10 she had just said, and that's when she came out  
11 and said I don't need this shit, and was  
12 gathering her stuff -- gathering her stuff  
13 together and took off.

14 Q Okay.

15 A Went outside and took off.

16 Q And then what happened to you guys?  
17 Were you all still inside then?

18 A We were -- No, I was walking.  
19 Everybody was walking out because actually when  
20 she left, we were sort of congregating around  
21 there, like somebody -- Either her or the man  
22 said something about calling the police or  
23 something.

24 Q Why? Do you know why?

25 A And Jeff was like -- I don't know

13

1       why, but Jeff was basically, call them. You  
2       know what I mean? Because -- I didn't see him  
3       do anything wrong, and I didn't see anybody  
4       else do anything wrong. So call them.

5           Q     Okay. And do you know if the police  
6       were called or not?

7           A     I had left. I don't know if the  
8       police were called or anything.

9           Q     Okay.

10          A     I gathered everybody together and  
11       just left. I don't know what the deal was with  
12       that.

13          Q     And did everyone leave with you?

14          A     That I was supposed to take, yeah;  
15       Lionel, Jimmy, Jeff. I guess the other guys  
16       went with somebody else.

17          Q     Okay. So who was in your car?

18          A     Lionel, I don't know his last name,  
19       jeff, and --

20          Q     Jeff Hanes?

21          A     Jeff Hanes.

22          Q     Okay.

23          A     -- and Jimmy. I don't know Jimmy's  
24       real name.

25          Q     Okay. Those three went with you?

10

1 A Yes.

2 Q Okay. So what happened when you approached  
3 your car?

4 A I got in my car, started it up, and cracked  
5 the window and asked him to move out of my way.

6 Q Okay. So you were able to get into your car  
7 with no problem?

8 A Yes.

9 Q Was anything being said to you at that time?

10 A There was things being said, but I can't  
11 recall what it was, because I was more or less blocking  
12 things out at that point.

13 Q What were you saying?

14 A I asked them to move.

15 Q Anything else?

16 A No.

17 Q And how did you -- what was your tone of voice  
18 or whatever when you said that?

19 A It wasn't a normal tone. I would say it would  
20 have to be on the loud side. I just cracked the window.

21 Q Now, when you left, were the police called  
22 already?

23 A Yes, Matt called them from the service  
24 department I think.

25 Q Okay. And he called the police when you were

10

1 still there?

2 A I was up getting my things ready to walk out  
3 the door.

4 Q So you knew the police were coming?

5 A Yes.

11

6 Q Did you expect the police to come?

7 A Yes.

8 Q But you left?

9 A I left.

10 Q Why?

11 A I just wanted to get out of there.

12 Q Okay. But you knew the police were coming to  
13 a situation you were involved in, so why would you leave?

14 A They were coming to remove them from the  
15 property.

16 Q This is based on contact with you. Isn't that  
17 correct?

18 A Yes.

19 Q So why would you leave?

20 A I can't answer that. I don't know. I can't  
21 answer that.

22 Q When did you first have contact with police  
23 officers?

24 A They called me from the dealership at home.

25 Q That same day?

7

1 you did on November 14th of '98.

2 A Because my attempt to make the situation less  
3 hostile was not successful, and therefore I felt that a  
4 third party would be able to do so much better than I,  
5 being the police.

6 Q And that's the first time you have ever  
7 thought that?

8 A I don't recollect.

9 Q But you don't recall ever feeling that way  
10 before?

11 A Yes, I do actually.

12 Q When?

13 A When my first wife and I were getting  
14 divorced.

15 Q Actually, if you can keep it in context, we  
16 are talking about Apple Chevrolet and your employment  
17 there.

18 A Okay.

19 Q So you are talking about when you dealt with a  
20 divorce situation?

21 A Yeah.

22 Q Okay. But now if we can keep it in context  
23 with dealing with Apple Chevrolet.

24 A Okay.

25 Q Do you ever recall feeling that way before?

7 1 make sure that you understood?

8 2 A That originally it was a two-day charge and  
3 then when the scuttle broke out, we told Mr. Hanes that  
4 we would get with Mr. Pollack on Monday and reduce it to  
5 a one-day charge.

6 Q Who told him that?

7 A Who told who that?

8 Q Who told Mr. Hanes that?

9 A I guess Joann.

10 Q You guess. You don't know?

11 A I wasn't present.

12 Q Okay. So what actual knowledge do you have?

13 A Just phone conversations. I was at home.

14 Q Could you hear anything in the background?

15 Could you hear voices or just Joann's?

16 A Just Joann's. But when Matt called me, I  
17 could hear voices in the background.

18 Q So the conversation that you had with Joann,  
19 when you told her just allow the one-day charge and you  
20 will talk with Mr. Pollack on another day?

21 A Yes.

22 Q And so you could not hear any other voices at  
23 that last conversation you remember having with Joann?

24 A Not the last, no.

25 Q Okay. So then to your knowledge then, Mr.

8

1 Hanes was not present?

2 A I don't know.

3 Q So then when you said you would get with Mr.  
4 Pollack about the charges, then that had to be before any  
5 scuttle that you claim?

6 A No, it was after the scuttle that we said we  
7 would talk to Mr. Pollack on Monday about the charges.

8 Q Okay. But you couldn't -- you heard nothing  
9 in the background when you last spoke with Joann?

10 A Not with Joann, no.

11 Q And when did you make that statement about Mr.  
12 Pollack? With Joann or Kugle?

13 A I don't remember.

14 Q Now, you said when the scuttle broke out.  
15 What scuttle was described to you? What does that refer  
16 to?

17 A Matt Kugle called me at home. He was checking  
18 in the van. There was some damage on the van. The van  
19 was not -- the damage was not caused by Mr. Hanes. It  
20 was prior damage. But he was just verifying that it was  
21 prior damage. And I could hear loud voices in the  
22 background.

23 Q How many loud voices?

24 A One.

25 Q Then just voice, not voices?

8

1 A A voice.

2 Q And could you determine what was being said?

3 A No.

4 Q Did you also hear Joann Hall's voice?

5 A No.

6 Q And what was the scuttle that was described to  
7 you?

8 A It was just a heated conversation. I couldn't  
9 pick out words. And Matt had told somebody, and that was  
10 Mr. Hanes, to calm down.

11 Q Was it actually described to you or was it  
12 just what you could overhear?

13 A Just what I could overhear.

14 Q So then when you use that word scuttle, then  
15 you are just referring to some loud voices you heard in  
16 the background?

17 A Right.

18 Q Okay. No fighting or anything like that?

19 A Right.

20 Q Just loud voices?

21 A Yes.

22 Q Did you hear any threats or anything like that  
23 being made?

24 A No.

25 Q How did Matt sound when he spoke with you?



8

1 A Calm, just verifying that the damage wasn't  
2 done by Mr. Hanes.

3 Q What action did you take after that  
4 conversation?

5 A Considering the circumstances, it seemed like  
6 he might be in trouble. And I called my husband at that  
7 point.

8 Q What circumstances led you to believe that he  
9 was in trouble?

10 A Matt had said that, you know, he was just  
11 checking the van to see if there was damages, you know,  
12 that it was a pretty heated moment there with some  
13 argument. And I called my husband at that point.

14 Q You said he was calm?

15 A He was calm to me, but you could hear, you  
16 know, that there was some problems going on in the  
17 background.

18 Q What type of problems did you hear?

19 A Just loud noises. Somebody was angry. You  
20 could tell that there was a conflict going on in the  
21 background.

22 Q In your experience, have you ever dealt with  
23 an angry customer?

24 A No.

25 Q You never had a customer being in a loud voice

23

5

1 the parties involved not to worry about the charges, that  
2 we would square them away later, because obviously it was  
3 a tension-filled situation in my opinion and I felt it in  
4 the best interest of all involved to just handle it in  
5 that way.

6 Q Now, you said that Joann called you?

7 A Yes, ma'am.

8 Q Do you recall around about the time of her  
9 first call to you in reference to any rental action?

10 A No, ma'am.

11 Q Do you remember the number of times she called  
12 you?

13 A No, ma'am.

14 Q Do you know if she just called you the one  
15 time when Mr. Hanes was present?

16 A I honestly don't remember the number.

17 Q Any specific reason why you don't remember  
18 that but you remember all other details?

6

19 A I am sure I don't remember all other details.  
20 I am sure there is a lot of them I left out. I am sorry.  
21 It has been so long. I just don't remember.

22 Q Now, you said that she called you and told you  
23 that Mr. Hanes was present and upset?

24 A She didn't name him, no, that's not correct.

25 Q I didn't say that she named him. But she told

24

wasn't paying attention. By that time those guys in there was talking too, among themselves.

Q Okay. What happened when Matt entered the room? What did he do or say?

A He said, well, we got your information. We're going to bill your -- the card. I said, no, you're not billing the card because I don't have the van. Give me the van back. I said, well, I'm not going with that. He asked me to sign a paper. That's what it was. And I refused to sign the paper. And then he said, well -- Like I said, we were all getting loud. He said, well, I'm going to call the police. I said, call them. And I waited and the police never showed, so I left.

Q Why was Matt calling the police?

A He said, I'll get the police here to alleviate the situation. I said, no problem.

Q Did he then go call the police?

A I believe he did dial the police, and -- He dialed the police, and then I waited.

Q Were you all inside the rental area at that point?

A Yeah.

Q When did the others that were in the van leave Apple's premises?

A Well, he was locking up -- While this was going on, he continued to lock up. So basically, we all left out the building. Everybody left together.

Q And when you say everybody, do you mean everyone from the van, or --

A Everyone from the van, even the lady behind the desk, she was walking out. We all was walking out, because he was locking the building. Okay? And she was leaving. We all walked out that front door, whatever, side door. We stood outside.

Q Okay.

A And I was just waiting for the police to be called.

Q Okay. Did you and all the others that were in the van leave Apple at the same time?

A No.

Q Okay. Did they leave before or after you?

A Before me.

Q Okay. When did they leave?

A When you say when, do you mean time wise, or --

Q Yes.

A Prior to me, probably, maybe 15 minutes.

Q How did they leave?

A That's when my brother-in-law, he

23

1 getting more like aggressive or mad, and she  
2 was like I don't need this bull shit. And, you  
3 know, just like cussing and fuck this job and  
4 this and that, and that's all.

5 Q Okay. Then what happened?

6 A Basically getting mad. And then we  
7 started walking -- **Oh, and then this other guy**  
8 **came in.** That was the guy that was -- when we  
9 first came, the employee, he came in, and he  
10 started saying -- you know, putting his part in  
11 the conversation. Started saying, well, if you  
12 don't want to pay two days get a lawyer, get a  
13 lawyer. It was like, you know, and after he  
14 said get a lawyer, I guess I walked outside  
15 with, I think it was three or four other  
16 gentlemen, we walked outside. And then he was,  
17 **that same guy was saying about calling the**  
18 **police because of the argument,** because of the  
19 lady.

20 Q Now, had that guy walked outside with  
21 you?

22 A No. He was inside there. When that  
23 lady started, you know, like, tripping out like  
24 yelling and stuff, he came -- he was in the  
25 room there, and that's when he was like just

1 call the police, call the police. They don't<sup>24</sup>  
2 want to pay the second day call the police.

3 Q Okay.

4 A And that was like his part mostly to  
5 say get a lawyer and call the police. That's  
6 it.

7 Q Did anyone either encourage or  
8 discourage him from calling the police?

9 A No, no. I mean, he was behind the  
10 counter.

11 Q Okay.

12 A You can't discourage him. I mean,  
13 you can't grab him.

14 Q No one said don't do it, or go ahead  
15 and do it?

16 A No. Jeff was saying call the police,  
17 and they can hear my side of what happened.

18 Q Okay. And do you know if the police  
19 were called or not?

20 A I know that his brother-in-law showed  
21 up. This is outside after everything happened,  
22 and that lady left when we were outside in the  
23 parking lot. She got in the car and even  
24 though my statement that I wrote back then, it  
25 seemed like she was trying to hit his

15

1       like, you say, in between the door. He came  
2       over, conversation started out. Once it  
3       started getting like loud, I started to walk  
4       closer. And as I started to walk closer,  
5       that's when everything erupted. It was started  
6       to erupt. By the time I got there, both  
7       tempers flared up, and a few choice words were  
8       being said.

9               Q       What was being said?

10              A       Well, actually what I heard was  
11       basically -- When he came back to return the  
12       van, the lady mentioned, I waited on your black  
13       and she said -- I started to move a little  
14       closer. He said, what do you mean? You waited  
15       on my black what? Finish what you were saying.  
16       Did you wait on my black ass? I'm like whoa.

17                   And at that point in time the manager  
18       came out, and he threatened about notifying the  
19       police and everything. It was settled, and  
20       eventually we ended up -- everybody ended up  
21       leaving. She came out. When I was walking out  
22       the door, we waited on our car for about 20  
23       minutes, she came out right in back of us. And  
24       then when the car was pulling up, she came out  
25       and sped right off. She was like right beside



agreed to do this and that.

Q So he was upset about the monetary dealings?

A I don't know if he was upset about it. I think he was trying to explain to her what they had talked about on the phone.

Q So this was the same conversation that had started before that comment was supposedly made?

A Yeah. And from what I understand, he thought it was all settled.

Q Did it get resolved there in the rental office?

A I would say no.

Q Why do you say that?

A Because she walked out. She was angry. The manager came in. And for the most part, he seemed like he was trying to get to the bottom of what was going on. I guess he had to call the police, so, you know, I guess things really didn't get out of hand.

Q Were you there when the police were called?

A I think we tried to wait around for a while, and I think they -- I can't remember if they did show up or if we just left after a while, so I really can't recall that.

Q Okay. You were there when the manager came in?

A Yeah.

Q And you said this was a male, correct?

A Right.

Q Okay. What was his tone and behavior like?

A He was just trying to get to the bottom of it. He really -- I didn't think he was really all that upset. I mean, obviously, he is concerned. You know, I guess, you know, he wants to try to resolve the situation the

A Right.

Q Did Mr. Hanes try and talk the manager out of calling the police?

A No. I believe he encouraged him to.

Q Do you know why he encouraged that?

A I guess because -- Again, can I guess in this case?

Q No. If you know.

A (No audible response).

Q Okay. When did you leave the rental premises?

A I would say, you know, 15, 20 minutes after the incident.

Q Okay. Now, when you say incident, to what are you referring?

A The conversation, the argument between the sales lady and Mr. Hanes.

Q And were you inside the building that whole 15 to 20 minutes?

A No, I was not. For the first part, after the initial argument, we were inside. Then we went outside after the manager said I'm going to call the police or whatever. She came out a little bit later on, yelled some more things, or whatever like that, got in the car, and we were in the parking lot and then we left.

Q Okay. Did all of you leave together?

A I believe so.

Q Okay. Mr. Hanes included?

A It seems to me I thought he said he wanted to stay behind for some reason and talk to the police.

Q Okay. Have you ever been discriminated against based on your race, in your opinion?

A I think so.

12

1 Hanes knew each other at all?

2 A No, no. I believe he was, like, sort  
3 of like an Apple employee because he came from  
4 out through the back area like.

5 Q Okay. And then what happened after  
6 that gentleman came out?

7 A Well, he wanted to know what was  
8 going on, and he was -- Jeff was like talking  
9 to her -- talking to him about, you know, what  
10 she had just said, and that's when she came out  
11 and said I don't need this shit, and was  
12 gathering her stuff -- gathering her stuff  
13 together and took off.

14 Q Okay.

15 A Went outside and took off.

16 Q And then what happened to you guys?  
17 Were you all still inside then?

18 A We were -- No, I was walking.  
19 Everybody was walking out because actually when  
20 she left, we were sort of congregating around  
21 there, like somebody -- Either her or the man  
22 said something about calling the police or  
23 something.

24 Q Why? Do you know why?

25 A And Jeff was like -- I don't know

13  
1       why, but Jeff was basically, call them. You  
2       know what I mean? Because -- I didn't see him  
3       do anything wrong, and I didn't see anybody  
4       else do anything wrong. So call them.

5           Q     Okay. And do you know if the police  
6       were called or not?

7           A     I had left. I don't know if the  
8       police were called or anything.

9           Q     Okay.

10          A     I gathered everybody together and  
11       just left. I don't know what the deal was with  
12       that.

13          Q     And did everyone leave with you?

14          A     That I was supposed to take, yeah;  
15       Lionel, Jimmy, Jeff. I guess the other guys  
16       went with somebody else.

17          Q     Okay. So who was in your car?

18          A     Lionel, I don't know his last name,  
19       jeff, and --

20          Q     Jeff Hanes?

21          A     Jeff Hanes.

22          Q     Okay.

23          A     -- and Jimmy. I don't know Jimmy's  
24       real name.

25          Q     Okay. Those three went with you?

7

1 know if that was a response.

2 A No, I am thinking.

3 Q Okay.

4 A I can't say that I know that Joann was  
5 threatened. I can say that I called the police because  
6 as I mentioned earlier, that was what I thought I should  
7 do and that's what -- when I informed Jeffrey Hanes that  
8 that's what I was going to do, he was in agreement.

9 Q So why is it that you felt that that's what  
10 you should do?

11 A As I stated earlier.

12 Q What was that?

13 A That a third party would be able to mediate or  
14 relieve the situation a little better than obviously I  
15 could.

16 Q So you didn't think that maybe someone above  
17 you within your organization could be the mediator?

18 A There was no one else there, ma'am.

19 Q At that time. Is that right?

20 A That's correct.

8

21 Q Are there persons that you could reach at any  
22 other day that could possibly mediate?

23 A There are other people that I could call, but  
24 under the circumstances that I recall there being, that  
25 was what I felt I should do at the time. It was also

8

1 what -- when I had mentioned this, it was also what  
2 Jeffrey Hanes told me I should do as well.

3 Q Actually, I was trying to figure out why would  
4 you mention it in the first place. So who are the people  
5 that you could call?

6 A At the time, probably the general manager,  
7 which I believe was John Franklin would have been the  
8 other person to call.

9 Q Have you ever had to make contacts like to  
10 someone above you to mediate customer complaints before?

11 A Yes.

12 Q And have you ever -- if you didn't make the  
13 contact yourself, have you ever gave information to the  
14 customer who would not accept your rendition to contact  
15 someone above you?

16 A I am sorry. Repeat the question.

17 Q Okay, sure. If you did not contact someone  
18 above you yourself, have you ever advised the customer in  
19 a dispute that you could not settle that they could  
20 contact someone in a higher position than you?

21 A Yes.

22 Q Now, from your recollection, I believe you  
23 stated that the dispute that you saw you referred to was  
24 between Mr. Hanes and Joann Hall. Was that correct?

25 A There is a dispute over a rental bill. I

25

have to leave at that point, or were you walking? Were you --

A I was walking. I was walking.

Q Okay. So after you had waited for the police on that road off of Roosevelt, for however long, then you just started walking?

A That's correct.

Q And to where did you walk?

A I walked down to Roosevelt Avenue, and I got picked up.

Q Okay. Who came and picked you up?

A Dimitrios picked me up.

Q And how did he know to come pick you up?

A Because he knew I didn't have no car.

Q Okay. Had you previously arranged for him to come back and get you?

A He left with the guys. They all knew I didn't have no car. No, I didn't.

Q Okay. So you didn't know if anyone was coming back or not?

A No.

Q Okay. So he just happened to come back?

A Yep.

Q Had the police arrived at that time?

A No.

Q So why did you leave?

A Because I didn't think they were coming. It was like 20 minutes went by, 15, 20 minutes. I said, well, I ain't standing out here waiting on them.

Q At some point the police cited you based on that day, didn't they?

A That's correct.

Q And did you receive that cite in person or through the mail?

A Through the mail.

Q Okay.

(Hanes Deposition Exhibit Number 4

was marked for identification).

BY MS. AUSTIN:

Q I'm showing you what's been marked as Exhibit 4. Is that a copy of the citation that you received?

A Yes.

Q Okay. And that was from the police, correct?

A That's correct.

Q Okay. Was there ever a hearing held as a result of that citation?



20

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			COMMONWEALTH OF PENNSYLVANIA		CITATION NO.	
NON-TRAFFIC SUMMONS					P1177542-2	
1. Magisterial District Number 14-1-02		2. Docket Number NT-0822-98		3. Social Security Number 209543551		
4. Address of Magisterial District Office 515 Maryland Ave. Suite 2 York PA				5. Driver's Number 21285216		6. State PA
7. Defendant's Name - First Middle Last Jeffery Linn Names						
8. Defendant's Address (Street, City, State, Zip Code) 516 W. King St York PA 17404						
9. Race/Ethnicity (W) <input type="checkbox"/> White (A) <input type="checkbox"/> Asian (B) <input checked="" type="checkbox"/> Black (H) <input type="checkbox"/> Hispanic (I) <input type="checkbox"/> Native American (U) <input type="checkbox"/> Unknown		10. Sex (M) <input checked="" type="checkbox"/> Male (F) <input type="checkbox"/> Female		11. Date of Birth (MM/DD/YY) 06/04/67		12. Resident Status (R) <input checked="" type="checkbox"/> Resident (N) <input type="checkbox"/> Non-Resident (U) <input type="checkbox"/> Unknown
13. Type of Arrest (O) <input type="checkbox"/> On-View (S) <input checked="" type="checkbox"/> Summoned/Cited		14. JUVENILE <input type="checkbox"/> Yes <input type="checkbox"/> No		15. Parents Notified <input type="checkbox"/> Yes <input type="checkbox"/> No		16. Parent's Name
19. Charge <input checked="" type="checkbox"/> Disorderly Conduct <input type="checkbox"/> Criminal Trespass <input type="checkbox"/> Theft of Services <input type="checkbox"/> Criminal Mischief <input type="checkbox"/> Harassment <input type="checkbox"/> Public Drunkenness <input type="checkbox"/> Scattering Rubbish <input type="checkbox"/> Retail Theft <input type="checkbox"/> Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages <input type="checkbox"/> Other						
20. Nature of Offense DEF. did w/ the intent to cause public inconvenience, annoyance or alarm, continually curse at (2) employees at a public business.				21. Pa. Code		22. CRIMES CODE TITLE 18 <input type="checkbox"/>
				23. SECTION 5503		24. SUB SEC. (a)(3)
				25. FINE 150.00		
				26. COSTS 76.00		
				27. J.C.P. 1.50		
				28. TOTAL DUE \$227.50		
29. Lab Services Requested <input type="checkbox"/>				30. Date 11/14/98		31. Time 1725
32. Day SAT		33. City/Twp/Boro York		34. Code 301		35. Zone W
36. Location APPLE CHEVROLET				37. County York		38. County Code 61
39. Defendant's Signature - Acknowledges Receipt of Citation X - FILED -				40. Date 11/14/98		41. Issued Filed on info. received
42. I verify that the facts set forth in this citation are true to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to perjury and falsification to authorities.						
OFFICER'S SIGNATURE Richard J. Hunsel				BADGE NUMBER 179		ORI NUMBER PA0670200
43. Station Address 50 W. King St York PA 17401						
44. Offense Code		45. Property Record No.		46. Systems Code		47. Incident No.

27



13

1 Q And what was the substance of your  
2 involvement?

3 A I think someone told me what had happened.

4 Q And who was that?

5 A I can't remember.

6 Q And what did they tell you?

7 A They told me there was an incident at the  
8 dealership.

9 Q What type of incident?

10 A Do you want to know verbatim from what I  
11 remember?

12 Q Sure.

13 A Okay. They told me that -- well, they told me  
14 a gentleman had come in and made a scene at the  
15 dealership, that my operator quit, my best operator ever  
16 quit because of the scene, and that they arrested the  
17 gentleman for disturbing the peace.

18 Q Did you also pursue charges of theft of  
19 services or any type of theft charges?

20 A No, not to my knowledge. No, not to my  
21 knowledge. I don't know.

22 Q What type of investigation did you do into  
23 that matter?

24 A The only thing that I can recall that I did is  
25 they told me that the police came and they charged a

13

1 gentleman with disturbing my business, disturbing the  
2 peace I guess, and the only thing I told them was to call  
3 the police to see if the police would drop the charges.

4 Q And who did you tell that?

5 A I can't remember.

6 Q And why did you say that?

7 A Because just from my business experience, it  
8 just doesn't pay to get involved in arguments with  
9 people. It is not worth it. It might have been a  
10 disturbance, but it's just not worth pursuing it. And  
11 that's just the way I do business.

12 Q And how many times have police been called on  
13 customers disturbing the peace?

14 A The only time that I can remember is this is  
15 the only time that I can remember, that I remember.

16 Q Do customers ever make complaints about  
17 service or fees or anything like that?

18 A I didn't hear the second part of your  
19 question.

14

20 Q Do customers ever make complaints about  
21 service or fees or anything like that?

22 A Yes.

23 Q To your knowledge, the police have never been  
24 called on them?

25 A To my knowledge, no.

28

have to leave at that point, or were you walking? Were you --

A I was walking. I was walking.

Q Okay. So after you had waited for the police on that road off of Roosevelt, for however long, then you just started walking?

A That's correct.

Q And to where did you walk?

A I walked down to Roosevelt Avenue, and I got picked up.

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A Because he knew I didn't have no car.

Q Okay. Had you previously arranged for him to come back and get you?

A He left with the guys. They all knew I didn't have no car. No, I didn't.

Q Okay. So you didn't know if anyone was coming back or not?

A No.

Q Okay. So he just happened to come back?

A Yep.

Q Had the police arrived at that time?

A No.

Q So why did you leave?

A Because I didn't think they were coming. It was like 20 minutes went by, 15, 20 minutes. I said, well, I ain't standing out here waiting on them.

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A Yes.

Q Okay. And that was from the police, correct?

A That's correct.

Q Okay. Was there ever a hearing held as a result of that citation?



A Yes.

Q Do you recall where that hearing was held?

A Maryland Avenue.

Q Okay. Was it in a district justice office?

A Yes.

Q Who was present that day?

A Myself, Dimitrios Tomboris, Joanne Hall, (phonetic) the district magistrate, and the police officer.

Q Okay. Did all of those people that you mentioned, other than the district justice, testify at the hearing?

A Yes.

Q Okay. And you testified?

A Yes.

Q Dimitrios testified?

A Yes.

Q Joanne testified?

A Yes.

Q And the police officer testified?

A Yes.

MS. AUSTIN: Just to note for the record, Attorney Thompson has entered the room.

Do you need to take a break for any reason?

MS. THOMPSON: No. Do you need to?

THE WITNESS: No, I'm fine.

BY MS. AUSTIN:

Q Do you recall what was the police officer's testimony?

A Not right offhand, no.

Q Okay. How about Dimitrios?

A No.

Q How about Joanne?

A Everything was in reference to what happened. Word for word, no, I can't give you that. As with Dimitrios and the officer, it was everything about the incident that happened. But I can't give you word for word what they said.

Q Do you recall your testimony that day?

A Basically, just explaining what happened, about the disagreement that happened; stated that I did get loud and pretty much, basically, she said the same thing, she -- I got loud, too. And that's pretty much what it was.

Q This citation that was issued to you, that's been marked as Exhibit 4, do you know if that's a criminal or civil citation?

A I don't.

Q Okay. Who was prosecuting this charge against you?

A The police officer was the one that



was doing the talking.

Q Okay. Do you know if Apple at any time had asked the police officer to drop the charge?

A I'm not sure.

Q Do you recall at that D.J. hearing, the district justice asking you if you heard Joanne Hall make the statement, I was waiting on your black ass?

A I may have made the statement. I don't recall him saying that. He may have said that. I don't recall him actually saying that. I did make the statement though. Like I said, I don't actually remember.

Q Okay. You just said but you made the statement, what statement?

A When I presented my case, it was in -- when I was giving him the information that was presented. I did inform him that she made the statement.

Q Now, at some point during that hearing you said to the D.J., no, I didn't really hear that; but she wanted to say that, didn't you?

A Say what?

Q At some point you told the D.J., you did not hear Joanne say, I was waiting on your black ass; but that you knew she wanted to make that statement.

A Black ass, yeah.

Q What was the result of that D.J. hearing?

A He found me guilty.

Q Okay. On October 1st, 1999, you visited a doctor about headaches; is that correct?

A That's correct.

Q Okay. This is about a year after this November 14th incident, right?

A That's correct.

Q Okay. Had you just started having the headaches at that point?

A No.

Q Okay. When did they begin?

A Well, actually, probably, prior to that. I can't really put my finger on the date when they started occurring.

Q Why did you wait until October 1999 to go to a doctor?

A Because at that point, I felt it was necessary at that time.

Q Were you taking any type of medication or anything to alleviate the headaches?

A Prior to going to the doctor?

Q Correct.

30

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A Prior to going to the doctor?

Q Correct.

31

11  
1 Q Okay. And what was your role in that  
2 specific seminar? Were you a speaker? Were  
3 you attending? Did you organize it? Something  
4 else?

5 A No. I was just attending so I could  
6 learn.

7 Q Okay. And how about Mr. Hanes?

8 A Same thing.

9 Q Okay. And how did you travel to and  
10 from that seminar?

11 A We rented a van.

12 Q Okay. Who rented the van?

13 A Jeff Hanes did all the renting, but  
14 it was Metro that was going to pay for it.

15 Q Why was that?

16 A It was through this gentleman that  
17 was -- I guess you could call him, like, our  
18 supervisor or our leader. His name was Jesse  
19 Pohlig, something like that.

20 Q Okay.

21 A And he said that he was going to pay  
22 because it was going to be a couple of us going  
23 up there.

24 Q Okay. Who drove the van?

25 A Jeff.

7

1 Q So how many times did you instruct her to  
2 charge for two days?

3 A Once.

4 Q Okay. And that would have been the first time  
5 she told you he was running late?

6 A Correct.

7 Q So your statement is you had no knowledge  
8 until you are saying he arrived that she authorized a  
9 one-day charge?

10 A Correct.

11 Q Now, had you known that Joann Hall authorized  
12 a one-day charge, would you expect that authorization to  
13 be upheld?

14 A Considering the circumstances.

15 Q What?

16 A That I would get with Mr. Pollack on Monday in  
17 regards to the charges.

18 Q When you made that statement, did you know at  
19 that time that you made that statement you would get with  
20 Mr. Pollack, did you know what Joann Hall had said to Mr.  
21 Hanes, that she would only charge for one day?

22 A Yes.

23 Q You did know that?

24 A Yes. I think I understand your question.

25 Q Can you explain what you are saying yes to to



32



came and picked them up in a car.

Q And who is your brother-in-law?

A Steve Jones.

Q Okay. And when did Mr. Jones arrive at Apple?

A He was actually there before I got there because I had called him to meet us there for a ride from the place.

Q Okay. And where were you after the others left in Mr. Jones' car?

A There's a little road at the back coming off Roosevelt Avenue. I walked down there, and I was just standing there.

Q Okay. So you left Apple's lot at that point?

A Yeah, I was down there. I thought the police might come in that way, so I just stood down at the end of the road.

Q As of this time, had anything been resolved about the charges for the van based on its late return?

A When you say at this time anything has been resolved, I'm not sure what you actually mean.

Q You had been telling the people from Apple that you weren't going to pay extra. Had they agreed to that? Had anything been resolved?

A They actually called Jesse, and Jesse told me I didn't have to pay my part. He talked with the manager, and -- maybe once or twice, and me and Jesse never really talked no more, because after what happened he was like, I'll take care of it, I believe, or I don't know exactly the conversation he had with the manager or whoever contacted him.

Q When was that? That day?

A I'm not even sure. I think that Monday or something like that. I'm not even sure exactly when they discussed it. It might have been the following week. He gave me some details about -- I think it may be a day or something like that. And then at that point, he said I didn't even have to pay my share of the van so --

Q I'm sorry. He told you what?

A I didn't have to pay my share of that van -- renting that van.

Q What do you mean you didn't have to pay your share?

A He used his credit card because I didn't have a credit card.

Q Right.

A So, basically, we were splitting the fee on the van --

Q Okay.

A -- me and him. I didn't have a

credit card to rent it myself, so I told him to use his. So he said don't worry about it. He was going to take care of it.

Q Okay. Was the lady who had been behind the counter still there while you were waiting off of that side road for the police?

A No.

Q When had she left?

A She left before us, if I'm not mistaken.

Q Before the others also left?

A Yes.

Q Okay. Did you see her get into her car?

A Yes.

Q Where was her car parked?

A Not too far from the door, right out front, I guess. I don't know whether it's called front or whatever outside. I don't know. Not too far from the door. I could see the car when we were standing out there.

Q And where were you standing in relation to her car?

A We were standing -- There was a curb there. We were standing probably right there. A little street and some of them was standing on the curb, on the sidewalk or whatever, and there was a little road; might've been just standing off to the side there. I can't -- I can't actually put everybody in place, but we were standing out front there.

Q And why were you standing there?

A Because we just came out the building and was -- I guess, we -- Basically, I was waiting for the police. And I guess we all were waiting to tell the story to the police officer, and that's why we were just standing there.

Q Did you have to move at all for her to get her car out of the way?

A I wasn't standing near the car, me.

Q Okay. I thought you just said you were all at the curb, right next to her car.

A I wasn't at the car. I was standing -- I said, we were -- some were standing in the front door, some were standing out in the lower road there. I didn't have to move, no.

Q Okay. Did anyone else?

A I think when she backed out, the way she cut her wheels, somebody had to jump out the way or something. I can't remember exactly.

Q Do you recall what time it was when you finally left that day?

A Not -- Not actually, no. I don't know the exact time, no.

Q Okay. What transportation did you

33

was doing the talking.

Q Okay. Do you know if Apple at any time had asked the police officer to drop the charge?

A I'm not sure.

Q Do you recall at that D.J. hearing, the district justice asking you if you heard Joanne Hall make the statement, I was waiting on your black ass?

A I may have made the statement. I don't recall him saying that. He may have said that. I don't recall him actually saying that. I did make the statement though. Like I said, I don't actually remember.

Q Okay. You just said but you made the statement, what statement?

A When I presented my case, it was in -- when I was giving him the information that was presented. I did inform him that she made the statement.

Q Now, at some point during that hearing you said to the D.J., no, I didn't really hear that; but she wanted to say that, didn't you?

A Say what?

Q At some point you told the D.J., you did not hear Joanne say, I was waiting on your black ass; but that you knew she wanted to make that statement.

A Black ass, yeah.

Q What was the result of that D.J. hearing?

A He found me guilty.

Q Okay. On October 1st, 1999, you visited a doctor about headaches; is that correct?

A That's correct.

Q Okay. This is about a year after this November 14th incident, right?

A That's correct.

Q Okay. Had you just started having the headaches at that point?

A No.

Q Okay. When did they begin?

A Well, actually, probably, prior to that. I can't really put my finger on the date when they started occurring.

Q Why did you wait until October 1999 to go to a doctor?

A Because at that point, I felt it was necessary at that time.

Q Were you taking any type of medication or anything to alleviate the headaches?

A Prior to going to the doctor?

Q Correct.

18. Any and all documents evidencing any medical consultations, treatment, diagnoses, or prescriptions arising out of or resulting from the incident alleged in Plaintiff's Complaint.

A copy of said document, which is confidential and not to be used for any other purpose apart from this litigation, is attached and incorporated herein.

19. Any and all documents identified in your Response to Defendant's First Set of Interrogatories to Plaintiff, if not already produced in response to a prior request herein.

A copy of "Receipt of Payment" given to Plaintiff on or around March 10, 1999, and "Detail of Usage charges" is attached and incorporated herein.

**CGA Law Firm**  
Countess Gilbert Andrews P.C.

By: 

Sara A. Austin, Esquire  
I.D. # 59052  
29 North Duke Street  
York, PA 17401  
(717) 848-4900

Attorney for Defendants

DATED: July 11<sup>th</sup>, 2001

7/28/99 11/5 H

10199

CLONIA R/T STRESS

HAS NOT TAKEN ANY  
OTC MEDS FOR N/ASTRESS IS RELATED TO RECENT  
SITUATION THAT OCCURRED ABOUT  
8-9 MOS AGO

DATE		10/99	
HT	BP	148/84	
P	T	R	Hgb
UA			
MICRO			
SMOKER: <input checked="" type="checkbox"/> CURRENT <input type="checkbox"/> FORMER <input type="checkbox"/> NEVER			

**Confidential**  
This information is furnished on the condition that it will be used only for the purpose for which it was requested. Any other use or disclosure of this information requires the express authorization of the YORK HEALTH CORPORATION.

HA → head  
tap → stem  
2-3x  
2-3 worn

Jeffrey Hanes 10/01/99

- S: Comes in for headache. He reports an incident eight months ago. Apparently what happened he went to Apple Chevrolet and there was a dispute about payment. He returned the van slightly late and according to him tried to contact the company know that he was going to be late and they were going to charge him an extra day which he agreed to pay however he stated that he wanted to keep the van an extra day and they had the van reserved for another customer. Apparently according to him the person assisting them at Apple Chevrolet became belligerent and began making racial remarks to him. At that point he became upset and a police officer was called. He waited for the police officer to arrive and he never arrived and he was to appear in court and apparently was given a citation for disorderly contact. According to him his side of the story never was heard. Since this episode he reports that he has been getting headaches. He has no history of headache previous to this. He says that the headaches have been on the top of his head and they are a tight sharp sensation. He gets occasionally light-headed with them. He gets no photophobia, no nausea or vomiting although once he did have some episodes of shortness of breath. He says that this has effected his work and that he missed some work with this and that the headaches are only relieved with lying down.
- O: Head, eyes, ears, nose and throat examination; normal cephalic, atraumatic. Neck - no jugular venous distention, no carotid bruits. Lungs are clear to auscultation. Heart regular rate and rhythm. Abdominal exam - non tender to palpation. Neurologically cranial nerves II - XII intact, motor strength - 5/5, sensory intact to light touch. Extremities - non cyanosis, clubbing. Reflexes are 2+. Funduscopic exam - optic disc margins are sharp.
- A: Headaches, tension.
- P: Will give him a trial of nonsteroidals. Will give Relafen for him to take. Also he is suppose to be on Elavil and I told him to go ahead and take that at night. I told him to take the Relafen 250 mg po bid. Warned of potential side effects. Risks, benefits, treatment options and consequences of treatment and non-treatment were discussed with patient. Patient voiced understanding and agreement with this treatment plan. Patient was made aware of potential side effects of medicines prescribed. He has no sign of intracranial process with this as they appear to be tension headaches exacerbated by stress. If these headaches change in character I am going to go ahead and get an MRI to rule out any intracranial process.

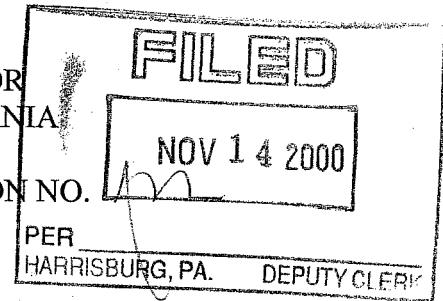
34



UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY L. HANES,  
Plaintiff

CIVIL ACTION NO.



V.

APPLE CHEVROLET, INC. and  
TERRY STEWART, President/Owner  
Jointly and Severally  
Defendants

Jury Trial Demanded

1:00-cv-00-2003

COMPLAINT

1. Plaintiff, Jeffrey L. Hanes, is an African American male who resides at 455 South Duke Street, York, Pennsylvania.
2. Defendant, Apple Chevrolet, is a corporation that is wholly or partially owned by Terry Stewart. Its principal place of business is located at 1200 Loucks Road, York, Pennsylvania.
3. Defendant, Terry Stewart, is a Caucasian male who is the legal record owner and President of Apple Chevrolet.
4. Defendants employ 100 employees.

COUNT I – 42 U.S.C.S. § 2000a

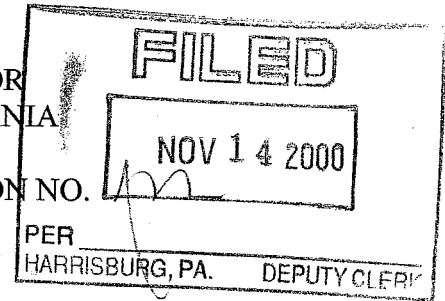
5. Paragraphs 1 through 4 of this Complaint are incorporated herein by reference as though set forth in full.
6. Apple Chevrolet provides a public service of vehicle rentals and this activity affects interstate commerce.

35

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of discovery; that sealing, certification and filing are waived; that all objections, except as to the form of the question, are reserved to the time of trial.

\* \* \* \* \*

JEFFREY HANES,  
called upon by Defendants to give testimony,  
being duly sworn by me, testified as follows:

EXAMINATION

BY MS. AUSTIN:

Q Mr. Hanes, I've already identified myself of record. I'm going to be asking you some different questions today. I would ask that you answer clearly so that the reporter can correctly take down your responses.

If you don't understand a question that I have asked you, please say that you don't understand the question. If you don't know the answer, do not guess. I am not looking for any guesses only what you know.

If you don't hear me, ask me to repeat the question. We only want your firsthand knowledge. If you need a break, let me know. If you need to talk to your attorney, let me know.

Are you on any type of drugs, medication, or anything similar that would hinder your ability to hear, understand, and answer my questions today?

A No, I'm not.

Q Okay. Are you ill or suffering any other type of physical condition that would hinder your ability to hear, understand, and answer my questions today?

A No.

Q Okay. Do you understand all of these instructions that I've given you?

A Yes.

Q Okay. Please state your full name, address, and telephone number.

A Jeffrey L. Hanes, 316 Reinecke Place, 578-2762.

Q And the address you gave is in York City?

A That's correct.

Q Okay. And what is your race?

A I'm African American.

Q Did you grow up here in York?

A Yes.

Q Okay. Where did you go to elementary school?

A Devers.

Q Do you recall what years you were there?

A In the '70s.

Q Where did you go after Devers Elementary?

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incident happened.

Q Okay. You mentioned Mark Green was also in the van that day?

A That's correct.

Q Okay. And what was Mark Green there for?

A He was going for information like I was.

Q Okay. Do you recall what his occupation was?

A He's a CBS news reporter.

Q Was he associated with Metro?

A He was taking classes at that time.

Q Had you known him prior to that day?

A Yes.

Q How long did you know him?

A Since high school.

Q Was he in your class then?

A No.

Q Had you kept in touch with him since high school?

A Yeah.

Q Okay. Would you say you had a social relationship, business relationship, both?

A Well, we had a social relationship, then business relationship as far as the Metro thing, other than that --

Q Okay. And where was Mr. Green sitting in the van on the way to and from Philadelphia?

A I don't know exactly. He was in the back. I know that for sure.

Q So he was somewhere behind you with Mr. Weathers.?

A I don't know where he was.

Q Okay. What is his race?

A Black, African American.

Q Okay. And there was also a Dave someone in the vehicle, right?

A Yeah.

Q What was he there for that day?

A He came with Jim -- well, Dimitrios.

Q Okay.

A And I don't know -- I don't even know his last name. I don't know -- I never seen him no more.

Q Had you met him prior to that day?

A Yeah.

Q Do you know what his occupation was at the time?

A Not -- not right offhand, no.

Q And you said you've had no contact with Dave since that day?

A No.

Q And what is Dave's race?

A He's white.

Q Okay. Where did you pick up the van?

A Apple Chevrolet.

Q What day?

A The 13th, I guess, the day before Saturday.

Q Friday, November 13th?

A Yeah, I picked it up Friday.

Q What time?

A It was in the afternoon.

Q Do you recall when?

A Yeah, it was about noon.

Q Did Mr. Pohlig go with you?

A No.

Q Okay. Who else was present when you picked up the van?

A Present? Nobody was present. Somebody took me to go get the van, but they weren't in the building. I was on my lunch break, actually.

Q Okay. I assume there were one or more Apple employees there when you picked it up?

A In the building?

Q There when you picked up the van.

A There was employees in the building if that's what you mean.

Q How did you get the van? Was it just there and you got into it and drove away? What did you do to get this van?

A I signed a paper for it.

Q Okay. How did you get the papers?

A From the lady that was there.

Q Okay. So there was someone behind the counter?

A Yes.

Q Okay. Do you recall what this person looked like?

A She was a white lady.

Q Do you recall her hair color?

A Light brown, brown. I don't know.

Q Okay. Now, are you guessing, or you're sure of that?

A I don't know, you know, different colors of hair. It looks brown to me.

Q Okay. Do you recall her name?

A No.

Q Okay. Did you have any type of discussions with her when you got there about what time the van was to be returned and on what day?

A Yeah. Yes, I did.

Q Okay. Tell me about that conversation.

A Well, she told me, have the van back at four o'clock. Then I said, well, I'm going to Philadelphia. I'll do my best. I said, you know traffic can be hectic. I don't know what to predict what the traffic is going to be

A I don't know. I guess somewhere in the neighborhood of -- after 3:30 or something like that.

Q How often did you make these calls to Apple?

A I might have made two or three calls, maybe. I would say two to three calls, easily.

Q And what did you say during these calls?

A I said, I'm running late. I'm in traffic. Traffic's backed up, and we're not -- I don't think I'm going to make it back by the time.

Q Do you recall when you made your last call to Apple prior to actually getting back to Apple?

A When you say do I remember --

Q Do you remember what time you made that last call prior to actually getting back to Apple?

A Maybe a quarter of five, somewhere in that area.

Q Where were you at that time?

A We were on our way in, maybe Columbia, Lancaster County, somewhere in that neighborhood.

Q What time did you actually arrive back at Apple?

A I think 5:10, 5:15.

(Hanes Deposition Exhibit Number 2 was marked for identification).

BY MS. AUSTIN:

Q I'm showing you a two-page document that has been marked as Exhibit 2. This document was received by you, through your counsel, as part of the discovery process.

A Um-hum.

Q Can you look at this and tell me if you recognize it?

A Yep.

Q What is that?

A It's a copy of my prior phone bill.

Q Okay. If you'll look on page 2, I've highlighted one of the items. Can you tell me the phone number that you called in that highlighted call?

A That was Apple Chevrolet.

Q Okay. And what time was that call?

A It says 5:13 p.m.

Q Okay. Do you know why you would have -- And is that on November 14th?

A That's correct.

Q Do you know why you would have been calling Apple at 5:13 p.m. on that day?

A Yes.



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1 A Calm, just verifying that the damage wasn't  
2 done by Mr. Hanes.

3 Q What action did you take after that  
4 conversation?

5 A Considering the circumstances, it seemed like  
6 he might be in trouble. And I called my husband at that  
7 point.

8 Q What circumstances led you to believe that he  
9 was in trouble?

10 A Matt had said that, you know, he was just  
11 checking the van to see if there was damages, you know,  
12 that it was a pretty heated moment there with some  
13 argument. And I called my husband at that point.

14 Q You said he was calm?

15 A He was calm to me, but you could hear, you  
16 know, that there was some problems going on in the  
17 background.

18 Q What type of problems did you hear?

19 A Just loud noises. Somebody was angry. You  
20 could tell that there was a conflict going on in the  
21 background.

22 Q In your experience, have you ever dealt with  
23 an angry customer?

24 A No.

25 Q You never had a customer being in a loud voice

8

1 disputing a bill?

2 A No.

3 Q Have you ever had a customer in loud voice  
4 or -- strike that. Have you ever had a customer who  
5 would not listen to you explain the charges in the bill?

6 A No.

7 Q How many complaints have you dealt with from  
8 customers?

9 A None.

10 Q You have never dealt with any customer  
11 complaints?

12 A (Shakes head)

13 Q Was that a no to that?

14 A Yes.

15 Q So you have never had a customer complain to  
16 you about a rental contract, condition of the vehicle,  
17 billing, or anything like that?

18 A No.

19 Q And you were in that position for eight years?

20 A Yes.

21 Q Working Monday through Friday?

22 A Yes.

23 Q Have you ever seen anyone else dealing with a  
24 customer who disputed bills or anything else?

25 A Our service area.

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7  
1 A To prices, yes.

2 Q Were there situations where you kept telling  
3 them what the price or so was and they kept asking for  
4 something else?

5 A Yes.

6 Q Was there a time that you ever felt other than  
7 this claim on November 14th of '98 that a customer might  
8 have been threatening in any way in reference to  
9 handling, dealing with the complaints?

10 A I honestly don't recollect.

11 Q Okay. But there could have been?

12 A Sure.

13 Q What are the number of times that you called  
14 the police to respond to Apple Chevrolet?

15 A I don't recollect any exact number. I am  
16 sorry.

17 Q More than one?

18 A Yes.

19 Q More than two?

20 A Yes.

21 Q More than three?

22 A Is the question since I have started at Apple  
23 Chevrolet, since my employment started?

24 Q First my question is the number of times you  
25 called police to respond. That's where it is first.

39

7

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23 Chevrolet, since my employment started?

24 Q First my question is the number of times you  
25 called police to respond. That's where it is first.

1           A     I understand. But I mean, do you mean since I  
2 have worked for Apple?

3           Q     Exactly.

4           A     Yes, it has been more than three.

5           Q     What are the reasons why you would call the  
6 police?

7           A     For vandalism, for theft. I don't recollect  
8 all the reasons.

9           Q     Besides November 14th of 1998, have you ever  
10 called the police for a customer complaint?

11          A     I don't recollect.

12          Q     So according to your recollection, you have  
13 never called the police to mediate a customer complaint?

14          A     I don't recollect.

15          Q     That was my question to you. According to  
16 your recollection, you don't recall ever calling the  
17 police --

18          A     Correct.

19          Q     -- to mediate a customer complaint?

20          A     Right.

21          Q     Okay. Now, are there any reasons or  
22 justifications or defenses that you have to explain your  
23 actions on November 14th of '98?

24          A     I don't understand your question.

25          Q     I am asking you basically why did you do what





A Yeah, I was taking some over-the-counter medicine, just Tylenol and stuff like that.

Q Do you have any type of medical evidence that connects your headaches to the incident on November 14, 1998?

A As far as evidence, visiting a doctor; talking with the doctor; asking me do I have any on-going problems. They asked me, in general, was I known for having headaches. I told them no. Other than that, no evidence.

Q Do you have any type of medical training yourself?

A Yes.

Q What?

A CPR.

Q When?

A When I --

Q When did you receive that training?

A Five years, six years ago, if not more.

Q Five to six years prior to today?

A The first time. I think I had it a couple times.

Q Any other medical training other than that?

A Medical training, not -- no.

Q Okay. Describe for me the cause or causes of these seizures you've experienced over the past ten to 15 years.

A I don't know the actual cause of it. To describe -- I can't see myself when I'm having them. Based on what people told me, epilepsy-type seizures, trembling. That's about it.

Q Have they been diagnosed as epileptic?

A Not necessarily. They treat them like they're epilepsy, because I don't have a -- I may have a seizure, maybe once every five years or whatever. That's how it's been. But I do take medication for it, so --

Q And when did you begin taking that medication?

A Several years ago, maybe seven, eight, maybe more. I can't really recall the actual first time.

Q Was it prior to November 14, 1998?

A Yes.

Q Do you have any indication when a seizure is going to begin, onset?

A No. No. No.

Q About how long do the seizures last?

A I have no idea.

Q Okay. Are there any side effects of the medication you're taking to control the seizures?

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A No.

Q Describe for me any monetary damage -- damages that you say you have incurred as a result of this incident on November 14th, 1998?

A Can you define the word monetary?

Q Having to do with money, lost money?

A Okay. Well, the time I took off work, the fines -- You're talking about out-of-pocket expenses; is that correct?

Q Damages -- Any monetary, money damages that you allege that you have incurred as a result of the incident on November 14th, 1998?

A I mean, those were my doctor bills, doctor visits, medication, time off of work, fines -- the fine, excuse me.

Q Okay. Now, you said doctor bills. Did you visit a doctor other than this one on October 1st, 1999?

A I went back to it. That's the doctor office that I go to.

Q Okay. How often have you been back for this same thing?

A I've been back maybe two or three times. Other than that --

Q Do you have copies of those bills?

A I'm pretty sure I can -- have them at home or I can get a copy. I just -- not with me today, I don't, no.

Q Do you recall what those bills were, the amount?

A Not right offhand.

Q And you said there's also medication. What type of medication?

A It's called -- If I can pronounce it right -- Neosporin -- not Neosporin. Neoproxin (phonetic), something of that nature. I just can't pronounce it correctly.

Q And who prescribed that for you?

A The doctor at the health center.

Q And when was that prescribed?

A I had several prescriptions at different times.

Q Before or after November 14, 1998?

A That was after.

Q Do you recall the cost of those?

A I have what is called a ten dollar co-payment, if I'm not mistaken.

Q As part of your insurance?

A That's correct.

Q Okay. So you paid \$10 for how many -- for each of how many ever prescriptions you got?

A That's correct.

Q And do you have copies of any checks that you might have used to make that co-payment?

A I probably -- For that, I probably paid cash, since it was so small. Probably cash. I don't have a copy of a check, no.

Q Do you have copies of any receipts you would have gotten for those prescriptions?

A I may have.

Q Okay. Now, you mentioned, also, you believe that part of the damages were a fine. Are you talking about that D.J. fine?

A That's correct.

Q Okay. You also said you have -- you had time off work for which you've incurred damages. Can you describe these in more detail for me?

A Well, I have to use my vacation time. On several times I had to use vacation time.

Q When? For what?

A To show up to the district magistrate's office, any other events such as, up to this point -- Today I had a subpoena, so I had talked to my supervisor and he wanted the subpoena, so I don't know how -- what he's going to -- how he's working that as far as time off.

Q Okay. So how many times have you had to use vacation?

A I'm not sure right offhand.

Q Okay. So -- and this was paid vacation?

A That's correct.

Q So you weren't out of pocket anything. You still got paid for those days, correct?

A But it still was my time.

Q You still got paid for those days?

A That's correct.

Q Other than the alleged incident on November 14th, 1998, have you ever been discriminated against based on your race?

A Yes.

Q When?

A Several times. I worked at Cable TV, Cable TV.

Q Okay. When was this discrimination that you believe you experienced there?

A When I worked there about in the '80s.

Q Okay. What happened?

A As far as, when you say what happened, what did I do, or --

Q Well, tell me what you believe you experienced as far as the discrimination.

A Well, I bidded on a particular job, and everybody who had got the job prior to me didn't have to take tests. They made me take all types of tests. I was the only one that had to take this test. And they were actually